



C. Mordaunt

T H E
P R O C E E D I N G S
O F A
General Court-Martial

H E L D I N T H E

Council-Chamber at Whitehall, on Wednesday the 14th, and continued by several Adjournments to Tuesday the 20th of December 1757, upon the Trial of Lieutenant-General Sir JOHN MORDAUNT, by Virtue of his MAJESTY's Warrant, bearing Date the 3d Day of the same Month.

Published by Authority.

L O N D O N :

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MDCCLVIII.

[Price 1s. 6d.]

PROCEEDINGS
OF A
ADVERTISEMENT.

19th of Jan. 1758.

A MAP of the BASQUE ROAD and the adjacent Coast, agreeable to the Draught produced at the Tryal by Lieutenant Colonel Murray, as taken upon the Spot by a Gentleman on the Expedition, and which Lieutenant Colonel Murray from his own Observations thinks to be just, was intended to have been annexed; but, that being found impracticable, without retarding the Publication of the Tryal, the said Map will be delivered on Tuesday next, Price 3d.

GEORGE R.

W H E R E A S Lieutenant General Sir *John Mordaunt* was appointed by us Commander in Chief of our Forces sent on an Expedition to the Coast of *France*, and received Orders and Instructions relative thereto from us, under our Royal Sign Manual, and also by one of our principal Secretaries of State.: And whereas the said Lieutenant General is now in Arrest by our Command, for disobeying our said Orders and Instructions, which Charge we have thought fit should be inquired into by a General Court Martial: Our Will and Pleasure is, that a General Court Martial be forthwith held upon this Occasion, which is to consist of our right Trusty and well beloved *James Lord Tyravely*, Lieutenant General of our Forces, whom we do appoint to be President thereof, and of our right Trusty and well beloved *Charles Lord Cadogan*, our trusty and well beloved *John Guise*, *Richard Onslow*, *Henry Pulteney*, Sir *Charles Howard*, Knight of the Bath, *John Huske*, our right trusty and well beloved Counsellor *John Lord De La warr*, our

A 2 trusty

trusty and well beloved *James Cholmondeley*, Lieu-
 tenant Generals; our trusty and well beloved
Maurice Bocland, our right trusty and well be-
 loved Cousin *William* Earl of *Panmure*, our
 trusty and well beloved *Kerr*, com-
 monly called Earl of *Ancram*, our right trusty
 and well beloved Cousins *William* Earl of *Har-*
rington, and *George* Earl of *Albermarle*, our
 trusty and well beloved *Henry Holmes*, *Alexan-*
der Dury, *John Mostyn*, *Edward Carr*, Major
 Generals of our Forces; our trusty and well be-
 loved Colonels *William Kingsley*, *Alexander Du-*
rroure, and *Bennet Noel*; all of whom, or the
 said President together with any Twelve, or
 more, of the said other Officers, may consti-
 tute the said General Court Martial: And you
 are to order the Provost Martial General, or
 his Deputy, to give Notice to the said Presi-
 dent and Officers, and all others whom it may
 concern, when and where the said Court Mar-
 tial is to be held, and to summon such Wit-
 nesses, as shall be able to give Testimony in
 this Matter; the said Provost Martial General
 and his Deputy being hereby directed to obey
 your Orders, and give Attendance, where it
 shall be requisite: And we do further autho-
 rize and empower the said Court Martial to
 hear and examine all such Matters and In-
 formations as shall be brought before them,
 touching the Charge aforesaid, and proceed
 in the Tryal of the said Lieutenant General
 Sir

Sir *John Mordaunt*, and in giving of Sentence according to the Rules of Military Discipline ; which said Sentence you are to return to our Secretary at War, to be laid before us for our Consideration. And, for so doing, this shall be, as well to you, as to the said Court Martial, and all others concerned, a sufficient Warrant. Given at our Court at *St. James's* this Third Day of *December* 1757, in the Thirtieth First Year of our Reign.

By his MAJESTY's Command,

HOLDERNESSE.

To our Trusty and well beloved
Thomas Morgan, Esq; Judge
Advocate General of our Forces,
or his Deputy.

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Sir John Williams, and in giving of son-
tence according to the Rules of Military Dis-
cipline; and said sentence you are to return
to our Secretary at War, to be laid before
us for our Consideration. And for so doing
this shall be as well to you as to the said Court
Martial, and all others concerned, a sufficient
Warrant. Given at our Court at St. James's
the Third Day of December, 1757, in the Thir-
ty First Year of our Reign.

By his Majesty's Command,

HOLDENESS.

To our Trusty and well beloved
Yr. most Obedt. Servt. Edw. Judge
Advocate General of our Kingdom of Great
Britain, or his Deputy.

At a GENERAL COURT MARTIAL,
held in the Council Chamber at *Whitehall*
on *Wednesday* the 14th, and continued by
several Adjournments to *Tuesday* the 20th
December 1757, by virtue of his Majesty's
special Warrant, bearing Date the 3d Day
of the same Month.

LIEUT. GEN. JAMES LORD TYRAWLY, President.

LIEU. GENERAL	{	CHARLES LORD CADOGAN,
		JOHN GUISE,
		RICHARD ONSLOW,
		HENRY PULTENEY,
		SIR CHARLES HOWARD,
		JOHN HUSKE,
		JOHN LORD DELAWARR,
	{	JAMES CHOLMONDELEY.

MAJOR GENERAL	{	MAURICE BOCLAND,
		WILLIAM EARL OF PANMURE,
		WILLIAM EARL OF ANCRAM,
		WILLIAM EARL OF HARRINGTON,
		GEORGE EARL OF ALBEMARLE,
		HENRY HOLMES,
		ALEXANDER DURY,
		JOHN MOSTYN,
	{	EDWARD CARR.

COLONEL WILLIAM KINGSLEY,
COLONEL ALEXANDER DUROURE,
COLONEL BENNET NOEL.

CHA. GOULD DEPUTY JUDGE ADVOCATE GENERAL.

THE Members being met, and duly sworn,
(the Judge Advocate being also sworn, and
prosecuting in his Majesty's Name.)

LIEUTENANT GENERAL SIR JOHN MORDAUNT came Prisoner before the Court, and the following Charge was exhibited against him, *viz.* " That he " being appointed by the King Commander in Chief " of his Majesty's Forces, sent on an Expedition to " the Coast of *France*, and having received Orders " and Instructions relative thereto from his Majesty, " under his Royal Sign Manual, and also by one of " his principal Secretaries of State, hath disobeyed " his Majesty's said Orders and Instructions." —

AN ENTRY in a Book of Mr. *Secretary Pitt's* Office being proved upon Oath by *Robert Wood*, Esq; appointing the said Lieutenant General Sir *John Mordaunt* General and Commander in Chief of all and singular his Majesty's Troops and Land Forces appointed or to be appointed for a secret Expedition for his Majesty's Service, bearing Date the 3d of *August*, 1757, was read.

THE RIGHT HONOURABLE WILLIAM PITT, Esq; one of his Majesty's Principal Secretaries of State being sworn, and questioned touching his Majesty's Instructions to Lieutenant General Sir *John Mordaunt* relative to the said Expedition, said, That he had the Honour of receiving such Instructions from his Majesty under his Royal Sign Manual, which he gave to Mr. *Wood* his under Secretary, in order to his delivering them to Sir *John Mordaunt*.

A PAPER, purporting to be a Letter, dated *London*, *July* the 15th 1757, from Captain (now Lieutenant Colonel) *Clerk*, was shewn to Mr. Secretary *Pitt*, and he being desired to inform the Court, whether he knew the said Letter to have been at any Time communicated to Sir *John Mordaunt*, answered, That the same is the original Letter, which was delivered to him by Sir *John* (now Lord) *Ligonier*, and produced by him before the Lords of the Cabinet, and that the Matter of this Letter afterwards made the Subject of two Night's Conversation; Sir *John Mordaunt* and Major General *Conway* examining, and almost cross examining Mr. *Clerk* concerning every Matter

Matter contained therein, and a great deal more, that the Letter led to.

ANOTHER PAPER, purporting to be a Minute, taken in *Arlington-street* in *August* 1757, containing an Examination of *Joseph Thierry*, a *French Pilot*, was shewn to *Mr. Secretary Pitt*, who was desired to inform the Court, whether he remembers such Examination, and whether the several Persons were present, who appear upon the Face of the said Minute to have been at that Meeting; to which he answered, That the Meeting being at *Lord Holdernesse's House*, his Lordship held the Pen, and not he; that the Paper now shewn him is an exact Transcript of what was reduced into writing, as the Substance of the Examination of the Pilot, but is by no Means the whole of it; as he underwent a very long and close Cross Examination for two Hours together, throughout which he established the Facts with a Readiness and Presence of Mind, that few Men in higher Life are equal to.

A PAPER entitled *Memoire sur la Force actuelle de la France, & les Services, aux quels Elle est employée dans l'Année 1757*,— and docketted, as received *July* 28th 1757, and communicated, at a Meeting at *Lord Holdernesse's House*, to the Generals appointed for an Expedition to the Coast of *France*, being also shewn to *Mr. Secretary Pitt*, he was desired to speak to the Authenticity of that Paper, and as to its having been communicated to *Sir John Mordaunt*:— He thereupon informed the Court, that the Paper came through *Lord Holdernesse's* Department, and was introduced by his Lordship at a Meeting, where *Sir John Mordaunt* and *Major General Conway* were present. It was a Paper, on which much Reliance was had by the King's Servants, as coming from one of their most confidential Correspondents, and was then produced as a Piece of Intelligence, to which they gave much Credit; and a subsequent Proof of its Authenticity is, that Advice has since been received of the Court of *France* having been

been obliged, upon the Alarm being taken, to march her Horse and Foot Guards from *Paris*. He added, that he remembers one, or both of those Gentlemen, (*viz.* Sir *John Mordaunt* and Major General *Conway*) rose up, and looked at the Paper more than once, and with Pen and Ink noted down several Facts from it, and a good deal of Time was engaged in Discourse upon the Subject.

Mr. Secretary *Pitt* being asked, whether Copies of either of the three last mentioned Papers were delivered to Sir *John Mordaunt*?

Answered, he cannot recollect, whether Copies of them were put into his Hands; from his Memory, he rather thinks not.

Two other Papers, the one purporting to be "Minutes of a Council of War held on Board the *Neptune* the 25th of *September 1757*," and the other, "Minutes of a Council of War held on Board the *Ramilies* 28th *September 1757*," were shewn to Mr *Pitt*, who informed the Court, that these two Papers were delivered to him by Sir *John Mordaunt* in the first Visit, as he thinks, after his Return; being to the same Effect, as those before transmitted to him by Sir *Edward Hawke*.

Mr. Secretary *Pitt* being asked, by Sir *John Mordaunt's* Desire, whether he, Sir *John Mordaunt*, did cross examine either Lieutenant Colonel *Clerk*, or the Pilot?

Answered, At this Distance of Time, and, as he then had no Thoughts of being examined on this disagreeable Occasion, he cannot take upon himself positively to say, by whom in particular the Questions were asked; but he knows a thorough Cross Examination was made by some Military Gentlemen,—he cannot say positively by Sir *John*,—in order to get at the Certainty, particularly as to the State of *Rochefort*.

Being asked also, Whether the Pilot mentioned at the Council, that the taking of Fort *Fouras* by a Ship was practicable?

Answered,

Answered to this Effect, — That he remembers the taking of Fort *Pouras* by Sea was mentioned; but that he went away from the Meeting with this Impression, that nothing was clear about the taking of any Place by Sea, but *l'Isle d'Aix*; he found no Answer that led him to believe, that a Ship could lye up near enough to *Pouras* to batter the Fort; he wished, he had.

A Copy of Instructions was then read, being first proved on Oath by *Robert Wood*, Esq; to be a true Copy of the Instructions, which he received from Mr. Secretary *Pitt*, under the Sign Manual; and which he afterwards delivered to Sir *John Mordaunt*, who read them in his Presence, viz.

• **GEORGE R.**

- Secret Instructions for our trusty and well-beloved Sir *John Mordaunt*, Knight of the Bath, Lieutenant General of our Forces, whom we have appointed General and Commander in Chief of all and singular our Troops and Land Forces appointed or to be appointed for a secret Expedition for our Service, or for such other Officer, on whom the Command in chief of our said Troops and Land Forces may devolve. Given at our Court at *Kennington* the 5th Day of *August*, 1757, in the Thirty-first Year of Our Reign.

• Having by Our Commission, bearing Date the third Day of this Instant appointed You to be General and Commander in Chief of all and singular Our Forces appointed or to be appointed for a secret Expedition: For your better Discharge of the great and important Trust thereby reposed in you, We have judged it proper to give you the following Instructions.

- I. You shall immediately, upon the Receipt of these Our Instructions, repair to the Isle of *Wight*, where We have appointed Ships to convey You and the Forces under your Command to the Coasts of

of *France*; and so soon as the said Forces shall be
 embarked, You shall accordingly proceed without
 Loss of Time, under Convoy of a Squadron of
 our Ships of War, commanded by our trusty and
 well beloved Sir *Edward Hawke*, Knight of the
 Bath, Admiral of the Blue Squadron of our Fleet,
 whom we have appointed Commander in Chief of
 Our Ships to be employed in this Expedition; the
 said Admiral, or the Commander in Chief of Our
 said Ships for the Time being, being instructed to
 co-operate with you, and to be aiding and assisting
 in all such Enterprizes, as by these Our Instructions
 you shall be directed to undertake for our Ser-
 vice.

II. Whereas We have determined, with the
 Blessing of God, to prosecute the just War in which
 we are engaged against the *French* King with the
 utmost Vigour; and it being highly expedient and
 of urgent Necessity to make some Expedition, that
 may cause a Diversion, and engage the Enemy to
 employ in their own defence, a considerable Part
 of their Forces, destined to invade and oppress
 the Liberties of the Empire, and to subvert the In-
 dependency of *Europe*: And, if possible, to make
 some effectual Impression on the Enemy, which by
 disturbing and shaking the Credit of their publick
 Loans, impairing the Strength and Resources of
 their Navy, as well as disconcerting, and in part
 frustrating their dangerous and extensive Operations
 of War, may reflect Lustre on our Arms, and add
 Life and Strength to the common Cause: And
 whereas we are persuaded, that nothing in the
 present Situation of Affairs, can so speedily and
 essentially annoy and distress *France*, as a success-
 ful Enterprize against *Rockefort*: Our Will and
 Pleasure is, That you do attempt, as far as shall
 be found practicable, a Descent, with the Forces
 under your Command, on the *French* Coast, at or
 near *Rockefort*, in order to attack, if practicable,
 and, by a vigorous Impression, force that Place;

and

and to burn and destroy, to the utmost of your Power, all Docks, Magazines, Arsenals, and Shipping, that shall be found there, and exert such other Efforts, as you shall judge most proper for annoying the Enemy.

III. After the Attempt on *Rochefort* shall either have succeeded, or failed; and in Case the Circumstances of our Forces and Fleet shall, with Prospect of Success, still admit of further Operations; you are next to consider Port *l'Orient* and *Bourdeaux*, as the most important Objects of Our Arms, on the Coast of *France*: And Our Will and Pleasure accordingly is, That you do proceed, successively, to an Attempt on both, or either of those Places, as shall be judged practicable; or on any other Place, that shall be thought most adviseable, from *Bourdeaux* homewards to *Havre*, in order to carry and spread with as much Rapidity, as may be, a warm Alarm along the Maritime Provinces of *France*.

IV. In Case, by the Blessing of God upon Our Arms, you should make yourself Master of any Place on the Coast of *France*; Our Will and Pleasure is, That you do not keep Possession thereof; but that after demolishing and destroying, as far as may be, all Works, Defences, Magazines, Arsenals, Shipping, and Naval Stores, you do proceed, successively, on the ulterior Operations of this Expedition, according as any of them shall be judged adviseable, and may be performed within such Time, as shall be consistent with your Return with the Troops under your Command, so as to be in *England* at, or about, as near as may be, the End of *September*, unless the Circumstances of Our Forces and Fleet shall necessarily require their Return sooner: And you are to land the Troops at *Portsmouth*, or such other of Our Ports, as the Exigency of the Case may suggest.

V. Whereas it is necessary, that upon certain Occasions you should have the Assistance of a Council

• cil of War; We have thought fit to appoint such
 • a Council, which shall consist of four of Our Prin-
 • cipal Land Officers, and of an equal Number of
 • Our principal Sea Commanders, including the Com-
 • manders in Chief of Our Land and Sea Forces (ex-
 • cept in Cases happening at Land, relating to the
 • carrying on any Military Operations, to be per-
 • formed by Our Land Forces only, in which Cases
 • you may call a Council of War, consisting of such
 • Officers of Our Land Forces as you shall think
 • proper :) And all such Land and Sea Officers, in
 • the several Cases before-mentioned, are hereby re-
 • spectively directed, from Time to Time, to be aid-
 • ing and assisting with their Advice, so often as they
 • shall be called together by you, or by the Com-
 • mander in Chief of our Squadron for that Purpose :
 • And in all such Councils of War, when assembled,
 • the Majority of Voices shall determine the Reso-
 • lutions thereof; and in Case the Voices shall hap-
 • pen to be equal, the President shall have the cast-
 • ing Vote.

VI. • And whereas the Success of this Expedition
 • will very much depend upon an entire good Un-
 • derstanding between Our Land and Sea Officers;
 • We do hereby strictly enjoin and require you, on
 • your Part, to maintain and cultivate such good Un-
 • derstanding and Agreement, and to order, that the
 • Soldiers under your Command, should man the
 • Ships where there shall be Occasion for them, and
 • when they can be spared from the Land Service ;
 • as the Commander in Chief of our Squadron is
 • instructed, on his Part, to entertain and cultivate
 • the same good Understanding and Agreement, and
 • to order the Sailors and Marines, and also the
 • Soldiers serving as Part of the Complements of Our
 • Ships, to assist Our Land Forces, if judged expe-
 • dient, by taking Post on Shore; manning Bat-
 • teries; covering the Boats; securing the safe reim-
 • barkation of the Troops; and such other Services
 • at Land, as may be consistent with the Safety of
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* Our Fleet. And in order to establish the strictest
* Union, that may be, between you and the Com-
* mander in Chief of our Ships, you are hereby re-
* quired to communicate these Instructions to him,
* and he will be directed to communicate those, he
* shall receive, to you.

* VII. You shall, from Time to Time, and as you
* shall have Opportunity, send constant Accounts of
* your Proceedings, in the Execution of these Our
* Instructions, to one of Our principal Secretaries of
* State ; from whom you will receive such farther
* Orders and Directions, as We may think proper to
* give you.

G. R.

THE JUDGE ADVOCATE then informed the Court,
that he is not instructed to give up any Point, wherein
Lieutenant General Sir *John Mordaunt* should appear
to them, from the Evidence, to have disobeyed his
Majesty's Orders and Instructions ; but the Matter
which he thinks it is his Duty chiefly to insist upon,
as being the principal Object of the Expedition, is a
Disobedience of the second Article of the Instructions
just now read—relative to the “ attempting, as far
“ as should be found practicable, a Descent, with
“ the Forces under his Command, on the *French*
“ Coast, at, or near, *Rochefort*, in order to attack,
“ if practicable, and, by a vigorous Impression, force
“ that Place, and to burn and destroy, to the ut-
“ most of his Power, all Docks, Magazines, Ar-
“ senals, and Shipping, that should be found there,
“ and exert such other Efforts, as he should judge
“ most proper for annoying the Enemy ;”—and that
the Evidence intended to be laid before them was
principally applicable to that Point.

The following Papers were then laid before the
Court by the Judge Advocate, and read ;—some of
them as referring to the above Instructions, and being
in the Nature of subsequent Orders confirming,
strongly enforcing, and in part explaining the said
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Instructions, and the others, either as introductory to the former, or as acknowledging the Receipt of them; viz.

A Letter from Sir *John Mordaunt* to Mr. Secretary *Pitt*, dated *Isle of Wight*, 11th August 1757, ten at Night (proved upon Oath to have been received by Mr. *Wood*, and docketted by Mr. *Rivers*, and) admitted by Sir *John Mordaunt*, viz.

SIR,

Being honoured with his Majesty's Command to correspond with you, I think it my Duty to acquaint you, that on my Arrival here on *Monday* last, I was disappointed in finding none of the Transports were come round, and more so in that I have not yet been able to hear any positive Account of them: I have however employed this Interval in giving such Orders, as I thought necessary to have the Troops here in Readiness for their Embarkation at a Moment's Warning.

Having, on the Perusal of my Commission, some Doubt, how far I am impowered to carry the Sentences of Courts Martial in Capital Cases into Execution, during my abode within his Majesty's Dominions, I should be glad, as soon as may be, to know what is his Majesty's Intention on that Head, as there are now many Deserters with us ordered for immediate Trial.

I must also beg Leave to trouble you further, on a Matter which occurs to me relative to the Service I am going upon; which is, that having since my Arrival here conversed with Sir *Edward Hawke* and Vice Admiral *Knowles*, who both seem of Opinion, that it is possible, from the Nature of the Navigation to *Rochefort*, the Fleet may be detained even in Sight of the Coast of *France* for a Week or ten Days, without being able to get into the Road, or off the *Isle d'Aix*, during which Time an Alarm will necessarily

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‘ necessarily be given in those Parts ; this Conjun-
‘ ture and Situation, if it should happen, appears to
‘ me so very delicate, and equally to the other Ge-
‘ neral Officers on the Expedition, who may, by Ac-
‘ cident to the first in Command, come to be under
‘ the same Difficulty (the Success of our Undertak-
‘ ing depending, as I apprehend, on the Suddenness
‘ of its Execution) that I should be glad, if it is
‘ thought proper, to have a Direction, how I am to
‘ act in that Case.

‘ I send this by an Officer, who will take Care to
‘ deliver it safely. I am, &c. J. Morдаunt.

Right Hon. William Pitt,
Secretary of State.

A true Copy of a Letter from Mr. Secretary Pitt
to Sir John Morдаunt, dated Whitehall, 13th Au-
gust, 1757 (proved by Mr. Wood) viz.

“ SIR,

‘ I immediately laid your Letter of the 11th Inst. at
‘ Night before the King ; and am commanded by his
‘ Majesty to let you know, that his Royal Intentions
‘ are, that you should, by Virtue of your Commis-
‘ sion, carry the Sentences of Courts Martial in ca-
‘ pital Cases into Execution, during your Abode
‘ within his Majesty's Dominions, so long as the
‘ Troops under your Command shall continue under
‘ their present Destination, according to the King's
‘ Orders and Instructions.

‘ With regard to the supposed Case, as stated in
‘ your Letter, and arising from Conversation had
‘ with Sir Edward Hawke and Vice-Admiral Knowles,
‘ namely, that it is possible the Fleet may be de-
‘ tained in Sight of the Coast of France for a Week
‘ or ten Days, without being able to get into the
‘ Road of Rochefort, or off the Isle of Aix, during
‘ which Time an Alarm will necessarily be given in
‘ those Parts ; in which Case you express a Desire,
‘ if thought proper, to have a particular Direction,
‘ how to act : I am commanded thereupon by the

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‘ King,

' King, to signify to you his Majesty's Pleasure, that
 ' you, or such other Officer, on whom the Command
 ' may devolve, do, in conformity to the Latitude
 ' given by his Majesty's Instructions, judge of the
 ' Practicability of the Service, on the Spot, according
 ' as contingent Events, and particular Circumstances
 ' may require: The King judging it highly prejudi-
 ' cial to the Good of his Service to give particular
 ' Orders and Directions with Regard to possible con-
 ' tingent Cases, that may arise.

I am, &c.

Sir *John Mordaunt*.

W. Pitt.

A Letter from Sir *John Mordaunt* to Mr. Secretary
Pitt, dated Head-Quarters, *Newport*, 20th *Aug-*
ust 1757 (the Receipt thereof being proved by
 Mr. *Wood*, and admitted by Sir *John Mordaunt*)
viz.

' S I R,

' I have the Honour of your Commands, dated
 ' *August* 13th, and you may depend upon it, that his
 ' Majesty's Orders shall be most punctually observed.
 ' Mr. *Thames*, who has long been, and now is,
 ' Agent for the Transports, came here the 17th from
 ' *Portsmouth*; he said, he came over on Purpose from
 ' thinking it his Duty to inform me, the Transports
 ' were not sufficient for the Number of Troops;
 ' I own his Conversation much puzzled me, as I
 ' knew our Expedition should meet with no Delay on
 ' one Hand, and that the Preservation of the Soldiers
 ' Healths ought, on the other, to be thought on. At
 ' length I recollected two of the Commissioners of the
 ' Admiralty were at *Portsmouth*, to whom I sent a
 ' Letter, a Copy of which I now inclose to you:
 ' Though I have since heard nothing from the Com-
 ' missioners, or Mr. *Thames*, I thought it my Duty to
 ' mention this Circumstance to you, being informed
 ' last Night, by a Letter from Sir *Edward Hawke*,
 ' that

- ‘ that an Express is sent to the Navy Board upon this Occasion.
- ‘ The Troops are in great Spirits, and wait impatiently for the Transports.
- ‘ I am, &c.
- ‘ Right Hon. *Wm. Pitt*, his *J. Mordaunt.*
- ‘ Majesty’s principal Secretary of State.’

Copy of a Letter from Sir *John Mordaunt* to *Thomas Orby Hunter* and *Gilbert Elliott*, Esqrs. Lords Commissioners of the Admiralty, at *Portsmouth*, dated Head-Quarters, *Newport* 17th August, 1757, *Wednesday* Night (being inclosed in the last mentioned Letter to Mr. *Pitt*, and as such desired to be read by Sir *John Mordaunt*, though not insisted upon as material to the present Question) viz.

- ‘ GENTLEMEN,
- ‘ Mr. *Thames*, Agent for the Transports, has just been with us, and says, he thinks it his Duty to mention, that the Transports are not sufficient to carry the Number of Troops.
- ‘ We send him with this Letter, that he may explain his Reasons for the Opinion he gives, and, if you find them satisfactory, we flatter ourselves some Method may be found, without occasioning Delay, to redress the Grievance.
- ‘ I am, Gentlemen, &c.
- (Signed) *J. Mordaunt.*
- ‘ To *Thomas Orby Hunter* and
- ‘ *Gilbert Elliott*, Esqrs. Lords
- ‘ Commissioners of the Admiralty, at *Portsmouth.*

A Letter from Mr. Secretary *Pitt* to Sir *John Mordaunt*, dated *Whitehall*, 5th Sept. 1757, Four o’Clock in the Afternoon (the like being at the same Time wrote to Sir *Edward Hawke*, *mutatis mutandis*, proved by Mr. *Wood*) viz.

‘ S I R,

‘ The Wind having been fair for the Transports going to *Spithead*, ever since *Friday* Morning, I am to acquaint you, that his Majesty expects, with Impatience, to hear, that the Troops are embarked ; but, if by any Delay the Embarkation should not be compleated, when this Letter reaches you, I am to signify to you the King’s Pleasure, that the most particular Diligence be employed in getting the Troops on Board, and proceeding, without the Loss of a Moment, to the Execution of your Orders and Instructions with regard to the Expedition under your Care.

‘ His Majesty being informed, that ten Battalions under the Orders of Sir *John Ligonier*, were all compleatly embarked at *Williamstadt* within the Course of the twenty four Hours, in which they arrived at that Place, the King expects to hear, by the Return of this Messenger, that the Fleet with the Troops under your Command on board have proceeded to Sea, in case the Wind permits, agreeable to your Orders and Instructions.

‘ I am, &c.

W. Pitt.

‘ P. S. The Messenger that carries this has my Orders to stay to bring an Account of the Fleet’s sailing.’

A Letter from Sir *John Mordaunt* to Mr. Secretary *Pitt*, dated *Portsmouth*, 6th *September*, nine at Night (the Receipt being proved by Mr. *Wood*, and admitted by Sir *John Mordaunt*) viz.

‘ S I R,

‘ I had this Morning the Honour of yours of the 5th Instant, and can assure you, that not a Minute’s Time has been lost in embarking the Troops.

‘ Though the first of the Transports did not arrive at *Cowes*, till *Sunday* Evening, we began the Embarkation at Day-break the next Morning, and continued putting the Troops on board, till after it

‘ was

‘ was dark. We have followed the same Method to day, and by that Means I have now the Pleasure to acquaint you, that I finished the Embarkation of the last Regiment at about six this Evening.

‘ I beg you will do me the Favour to mention to his Majesty, that we were obliged to march the Troops and Baggage five Miles to the Place of Embarkation, and that we were then forced to put the Men in small Boats, in which they were rowed above a Mile, before they could embark in the Transports: Whereas at *Williamstadt* the Troops marched directly from the Quay into the Transports without the least Possibility of a Delay.

‘ It is both my Duty, and the Pride of my Heart, to execute with the utmost Dispatch and Diligence the Orders his Majesty has honoured me with, and I flatter myself a very short Time will now shew it.

‘ I am, &c.

J. Mordaunt.

‘ The Right Hon. *Wm. Pitt.*’

A true Copy of a Letter from Mr. Secretary *Pitt* to Sir *John Mordaunt*, dated *Whitehall*, 15th September 1757 (the like being at the same Time wrote to Sir *Edward Hawke*, *mutatis mutandis*, being proved by Mr. *Rivers*, and admitted by Sir *John Mordaunt.*)

‘ SIR,

‘ His Majesty, by his secret Instructions, dated the 5th Day of *August* last, having directed the Return of the Troops under your Command, together with the Fleet “so as to be in *England* at, or about, as near as may be, the End of *September*, unless the Circumstances of the Forces and Ships shall necessarily require their Return sooner,” I am now to signify to you the King’s Pleasure, that you do not consider the above-mentioned Time, limited for your Return, as intended, in any Manner, to affect or interfere with the full Execution of the first and principal Object of the Expedition, namely, “attempting, as far as shall be found practicable, a Descent on the *French Coast* at or

“ near *Rochebort*, in order to attack, if practicable,
 “ and, by a vigorous Impression, force that Place,
 “ and to burn and destroy, to the utmost of your
 “ Power, all Shipping, Docks, Magazines, and Ar-
 “ senals, that shall be found there, and exert such
 “ other Efforts, as shall be judged most proper for
 “ annoying the Enemy.” And with regard to any
 “ other particular Attempt, which, agreeably to your
 “ Orders, you shall have commenced, and in the
 “ Execution whereof you shall be actually engaged,
 “ it is also his Majesty’s Pleasure, that you do not
 “ desist from, or break up the same, merely and
 “ solely on Account of the Time limited for your
 “ Return by the Instructions above-mentioned ;—but
 “ that, notwithstanding the same, you do continue with
 “ the Troops during such a farther Number of Days,
 “ as may afford a competent Time for the Completion
 “ of any Operation under the above Circumstances ;
 “ after which you are to take Care to return with the
 “ Forces under your Command, and the Fleet, in the
 “ Manner directed by your former Instructions.

A Paragraph of a Letter from Sir *John Mordaunt* to
 Mr. Secretary *Pitt*, dated *Ramillies, Rade de*
Basque, 30th September 1757, acknowledging the
 Receipt of the last mentioned Letter (the Receipt
 being proved by Mr. *Wood*, and admitted by Sir
John Mordaunt) viz.

‘ S I R,

‘ Last *Thursday* I had the Honour of yours of the
 ‘ 15th Instant, and am pleased with thinking, that
 ‘ before the Receipt of it we had judged right in
 ‘ resolving to attack *L’Isle D’Aix*, tho’ it could not
 ‘ possibly be done, without breaking in some Mea-
 ‘ sure into his Majesty’s Orders in regard to the
 ‘ Time of our returning to *England*.’

THREE of the Papers above-mentioned (as contain-
 ing Intelligence proved by Mr. Secretary *Pitt* to have
 been communicated to Sir *John Mordaunt* at several
 Meet-

Meetings, before he went upon the Expedition) were then read, viz.

I. A Letter from Captain, now Lieutenant-Colonel, Clerk to Sir John Ligonier, dated, London, July 15th 1757.

‘ S I R,

‘ You have desired me to put down in writing, what
 ‘ I mentioned to your Excellency in regard of *Rochefort*.
 ‘ In returning from *Gibraltar* in 1754, I went along
 ‘ Part of the western Coast of *France* to see the Con-
 ‘ ditions of some of their Fortifications of their Pla-
 ‘ ces of Importance, on purpose to judge, if an
 ‘ Attempt could be made with a Probability of Suc-
 ‘ cess, in case of a Rupture, and of the *French*
 ‘ drawing away their Troops to *Flanders, Italy, and*
 ‘ *Germany*, in the same Manner as they did in the
 ‘ last War. I had heard that *Rochefort*, tho’ a Place
 ‘ of the utmost Importance, had been very much
 ‘ neglected. I went there, and waited upon the Go-
 ‘ vernor in my Regimentals, told him, that I was
 ‘ upon my Way to *England* from *Gibraltar*, and that
 ‘ I came on purpose to see the Place, the Dock, and
 ‘ the Men of War. He was very polite; I was
 ‘ shewed every Thing, went on board ten Ships of
 ‘ the Line new built, and an Engineer attended me
 ‘ in going round the Place.

‘ I was surpris’d to find, that tho’ theré was a
 ‘ good Rampart with a Revetement, the greatest Part
 ‘ of it was not flank’d but with Redans; that there
 ‘ were no Out-Works, no Covert-Way, and in ma-
 ‘ ny Places no Ditch, so that the Bottom of the
 ‘ Wall was seen at a Distance; that in other Places,
 ‘ where the Earth had been taken out to form the
 ‘ Rampart, there was left about them a good Height
 ‘ of Ground, which was a Disadvantage to the Place;
 ‘ that for above the Length of a Front there was no
 ‘ Rampart, or even Intrenchment, but as the Ground
 ‘ was low and marshy at that Place, being next the
 ‘ River, there were some small Ditches, which were

dry however at low Water, yet the Bottom remained muddy and slimy.

Towards the River, there was no Rampart, no Parapet, no Batteries on either Side. Towards the Land-side, there was some high Ground very nigh the Place, perhaps at the Distance of about 150 or 200 Yards.

The Engineer told me, that the Place had remained in that Condition for above 70 or 80 Years.

I got no Plan of the Place, and put nothing down in writing, for I found that the whole Town had been talking of me, and thought it very extraordinary, that I should be allowed to go about and see every Thing.

I burnt even some Sketches and Remarks I had by me upon other Places, that they might have no Hold of me, in case they searched my Baggage; and therefore could only expose themselves, as I had done nothing, but what was open, above board, and with Permission.

However, as to Utility, I was as much satisfied, as if I had got a Plan. In regard of the Profil indeed, I have thought since, that it would not have been amiss, if I had known for certain the exact Height of the Rampart: I think that it could not well exceed 25 Feet. In *Martinieres's Geographical Dictionary* it is called only 20 Feet high. Perhaps the Parapet is not included.

I told your Excellency, that I had never seen any Plan of the Place; but as there had been no Alteration in the Works for so many Years, I made no Question, but that some old Plan of it might be found, which would correspond exactly with what I said. In the *Forces de L'Europe*, which I have, there is no Plan of *Rochefort*, but I found one in the Duke of *Argyle's* Edition, which I borrowed and shewed to your Excellency. It agrees exactly with what I said, and with the Sketch I drew of it before you from my Memory, except

‘ that a regular Ditch is represented every where,
 ‘ which is not the Case.

‘ The River may be about 130 Yards broad. The
 ‘ Entrance is defended by two or three small Re-
 ‘ doubts, which I did not see, nor could I venture
 ‘ even to go down, and examine the Coast.

‘ What I mentioned to your Excellency of the
 ‘ Method of insulting the Place, considering it upon
 ‘ the Footing of an immediate Assault, I have not
 ‘ put down; for tho’ it may be reasoned upon in a
 ‘ general View, yet many Things can only be fixed
 ‘ and determined immediately upon the Spot. I was
 ‘ told, that there are never any Troops at *Rockefort*,
 ‘ but the Marines. There might be about 1000 at
 ‘ that Time.

‘ By the Expedition to Port *L’Orient* in 1746, it
 ‘ appeared to me, that the Country People in Arms
 ‘ are very little better than our own, and that an
 ‘ Officer, who possesses himself, might march safely
 ‘ from one End of a Province to another with only
 ‘ five Companies of Grenadiers, where there are no
 ‘ regular Troops. They imagine at first they can fight,
 ‘ and their Intentions are good, till it comes to the
 ‘ Point, when every Body gives Way, almost before
 ‘ the firing of a Platoon.

‘ In writing this I have obeyed with Pleasure, as I
 ‘ have always done, your Excellency’s Commands.

‘ I am, &c. *Robert Clerk.*’

To Sir *John Ligonier.*

II. A TRANSLATION of the Paper,
intituled " Memoire
" sur la Force actuelle
" de la *France*, et les
" Services, auxquels
" Elle est employée
" dans L'Anné 1757,"
(the same being proved by Mr. *Wood* to be
a faithful Translation,
and the Original being
at the same Time laid
before the Court for
their Satisfaction.) viz.

MEMORIAL

- Of the actual Force of
- *France* by Land, and
- the Services on which
- it is employed in the
- Year 1757.

• **T**HE *French* Army,
• at the Beginning
• of the present Troubles,
• consisted only of 157,347
• Men, not including the
• Militia and the Invalids.
• It was composed in the
• following Manner,

French

MEMOIRE

*Sur la Force actuelle de la
France par Terre, et les
Services auxquels elle est
employée dans l'année
1757.*

L'*Armée Française, au
Commencement des
Troubles présentes, ne con-
sistoit qu'en 157,347
Hommes, non comprise la
Milice et les Invalides. Elle
etoit composée de la Maniere
suivante ;*

In-

• French Foot	98,330	Infanterie Françoise	98,330
• Artillery	4,100	Artillerie	4,100
• Foreign Foot	25,589	Infanterie Etrangere	25,589
• King's Houfd. Horfe	3,210	Maifon du Roy, Caval.	3,210
• French Horfe	14,520	Cavalerie Françoise	14,520
• Foreign Horfe	960	Cavalerie Etrangere	960
• Dragoons	7,680	Dragons	7,680
• Huffars	800	Huffars	800
• Light Troops	2,158	Troupes Legeres,	2,158
	157,347		157,347

• In the Month of *Auguft* 1755, an Augmentation was made of four Companies of 45 Men each, in every Battalion of the King's Regiment, and of four Companies of 40 Men each, in every common Battalion of *French Foot*, which made in all 29,620 Men.

• About the same Time an Augmentation was made in the Dragoons, which made up every Regiment four Squadrons of 640 Men, making in all 2560 Men.

• In the Month of *December*, of the same Year 1755, an Augmentation was alfo made in the Horfe of 10 Men a Company, in all 5560 Men.

• The Royal Volunteers and *Fifcher's* Corps were alfo augmented; we do not know exactly to what Number; but, according

Au Mois d'Août 1755 on fit une Augmentation de 4 Compagnies de 45 Hommes chacune dans chaque Bataillon du Regiment du Roy, et de 4 Compagnies de 40 Hommes chacune, dans chaque Bataillon ordinaire de l'Infanterie Françoise: ce qui faifoit en tout 29,620 Hommes.

Environ le meme Tems, une Augmentation fe fit dans les Dragons, qui porta chaque Regiment à 4 Escadrons de 640 Hommes montant en tout a 2,560 Hommes.

Au Mois de Decembre de la même Année 1755, une Augmentation fe fit pareillement dans la Cavalerie, de 10 Hommes par Compagnie, en tout 5,560 Hommes.

Les *Volontaires Royaux*, et les corps de *Fifcher*, furent auffi augmentés; nous ne favons pas au juſte de combien, mais, ſelon nos Avis,

K E
uelle de la
re, et les
els elle eſt
P année
çoife, au
nent des
, ne con-
157,347
mpriſe la
des. Elle
Maniere
In-

' cording to our Advices,
 ' this Augmentat'on came
 ' to 680 Men, or therea-
 ' bouts. These several
 ' Augmentations amount
 ' to 38,420 Men; and
 ' consequently, the French
 ' Army (without reck-
 ' oning the Militia and the
 ' Invalids, which I put at
 ' above 67,000) is com-
 ' posed of 196,000 Men.
 ' They have, it is true,
 ' raised two new Regi-
 ' ments in the Country of
 ' Liege; but notwithstan-
 ' ding that, their regular
 ' Troops are under
 ' 200,000 Men.

' The Islands of Mi-
 ' norca and Corsica, with
 ' the Colonies in America,
 ' take up 25,000 Men at
 ' least; they embarked in
 ' the Spring, 3, or 4000
 ' Men for different Servi-
 ' ces in the two Indies;
 ' Marshal d'Estrée's Ar-
 ' my, if the Regiments
 ' were compleat, would
 ' amount to 92,000 Men;
 ' Marshal Richelieu's is
 ' 32,665; a Body of 6
 ' or 7,000 Men must also
 ' be reckoned, which they
 ' are obliged to keep in
 ' Garrison at Toulon, Mar-
 ' seilles, Cette, Antibes, &c.
 ' at Hand for that Part of
 ' the Coast.

*Avis, cette Augmentation
 alloit a 680 Hommes, ou
 environ.*

*Toutes ces differentes Aug-
 mentations montent à 38,420
 Hommes; et par consequent
 l'Armée Française (sans
 compter la Milice et les In-
 valides, que je mets au delà
 de 67,000) est composée de
 196,000 Hommes. Ils ont,
 a la verité, levé deux Nou-
 veaux Regiments dans le
 Païs de Liege; mais mal-
 gré tout cela, leurs Troupes
 réglées sont au dessous de
 deux Cent Mille Hommes.*

*Les Isles de Minorque et
 de Corse avec les Colonies
 en Amerique, occupent au
 Moins 25,000 Hommes;
 Ils ont fait embarquer, au
 Printems, 3 à 4000 Hom-
 mes pour differens Services
 aux deux Indes; l'Armée
 de Monsieur le Maréchal
 d'Estrées, si les Regimens
 étoient complets, iroit à
 92,000 Hommes; celle du
 Maréchal de Richelieu est
 de 32,665. Il faut aussi
 compter une Corps de 6 ou
 7000 Hommes, qu'ils sont
 obligés de tenir en Garnison
 à Toulon, Marseilles, Cet-
 te, Antibes, &c. à portée
 de cette Partie de leur Côte.*

' According to this
 ' Calculation then, there
 ' are 160,000 regular
 ' Troops employed; there
 ' will remain about 40,000
 ' Men for all the Garri-
 ' sons from Sedan to the
 ' Frontiers of Swisserland;
 ' as also for those of Rou-
 ' sillon and Guienne, with-
 ' out speaking of Flanders
 ' and the Coast.

' We reckon about
 ' 20,000 Men placed
 ' from St. Valery to Bergue;
 ' so that we have all the
 ' Reason to believe that
 ' there cannot be 10,000
 ' Men more from St. Va-
 ' lery to Bourdeaux.'

*Selon ce Calcul, donc
 voilà 160,000 Hommes de
 Troupes réglées employées;
 Il restera environ 40,000
 Hommes pour tous les Gar-
 nisons depuis Sedan jus-
 qu'aux Frontiers de la Suisse,
 de meme que pour celles du
 Roussillon et de la Guienne,
 sans parler de la Flandres
 et de la Cote.*

*Nous comptons environ
 20,000 Hommes placés de-
 puis St. Valery jusqu'à Ber-
 gue, de façon que nous avons
 tout lieu de croire, qu'il ne
 peut pas y avoir 10,000
 Hommes de plus, depuis St.
 Valery jusqu'à Bourdeaux.*

III. THE MINUTE taken in *Arlington-street, August*
1757, containing the Examination of Joseph Thierry,
a French Pilot, (a Translation being at the same
Time laid before the Court, but not offered to
them as authentick) viz.

' Arlington-street, August 1757.

' Present,

' Lord Anson,	Mr. Secretary Pitt,
' Sir Ed. Hawke,	Gen. Ligonier,
' Lt. Gen. Sir J. Mordaunt,	Adm. Knowles,
' Major Gen. Conway,	Capt. Clarke.
' Lord Holderneffe.'	

TRANSLATION.

' LE nommé Joseph Ti-
 ' rerry Pilote François,
 ' Nacif de
 ' Protestant de
 ' Religion, aiant été exa-
 ' miné, dit—Qu'il a ex-
 ' ercé le metier de Pilote

*Joseph Thierry a French
 Pilot, born
 of the Protes-
 tant Religion, having been
 examined, saith,—That
 he has been for above 20
 Years in the Employ-
 ment*

• sur les Cotes de France
 • au de la de vingt ans,
 • qu'il a servi comme pre-
 • mier Pilote a bord de di-
 • vers vaisseaux du Roi de
 • France, & nommément
 • du Magnanime, sur le
 • quel il a servi pendant
 • l'espece de vingt et deux
 • Mois; qu'il a conduit
 • le dit vaisseaux le Mag-
 • nanime plusieurs Fois a
 • Rade de l'Isle de Aix,
 • et qu'il connoit bien l'en-
 • trée & la sortie de la dite
 • Rade; que le chennel
 • entre les Isles D'Oleron,
 • & de Rhé a trois lieues
 • de large; qu'il y a lou-
 • voié sur le Magnanime;
 • que les Bancs qu'il faut
 • éviter sont près de la ter-
 • re; qu'on en peut dis-
 • tinguer les Brisans a une
 • distance considerable;
 • qu'il y a une Banc nom-
 • mé le Boiard, dont on
 • ne court pas grand
 • risque, moiennant les
 • Brisans, qui annoncent sa
 • situation; Que pour en-
 • trer a la Rade d'Aix, il
 • n'y a pas de telles diffi-
 • cultes, qu'il soit neces-
 • saire d'avoir un Pilote
 • pour y conduire des
 • grands vaisseaux; qu'il y
 • a bon mouillage tant en
 • dedans la Rade qu'en

*ment of a Pilot, on the
 Coasts of France, and has
 served as first Pilot on
 Board several of the French
 King's Ships, having been
 for twenty-two Months on
 Board the Magnanime,
 which said Ship he has se-
 veral Times brought into the
 Road of the Isle d'Aix, and
 knows very well how to go
 in and out of the said Road;
 that the Channel between
 the Islands of Rhé and Oleron is 3 Leagues broad, and
 that he has turned it in
 and out in the Magna-
 nime. That the Shoals,
 which are to be avoided are
 near the Land, and the
 Breakers are to distinguished
 at a considerable Distance;
 that there is a Shoal called
 the Boiard, which is not
 very dangerous, as the
 Breakers shew its Situation;
 that the Entrance into the
 Road of Aix, is not so dif-
 ficult as to require a Pilot
 to bring in great Ships; that
 there is good Anchorage
 both within the Road, and
 out at Sea, in 12 and 14
 Fathom Water, quite to
 Bayonne.*

That

Pilot, on the
nce, and has
st Pilot on
of the French
having been
to Months on
Magnanime,
ip he has se-
rought into the
le d'Aix, and
ell how to go
be said Road;
nnel between
Rhé and Olé-
ues broad, and
turned it in
the Magna-
the Shoals,
be avoided are
nd, and the
to distinguished
ble Distance;
a Shoal called
which is not
ous, as the
its Situation;
rance into the
, is not so dif-
quire a Pilot
at Ships; that
od Anchorage
the Road, and
in 12 and 14
ter, quite to

That

dehors en Mer a 12 &
14 Brasses d'eau jusqu'a
Bayonne.

Que l'Isle de Aix a en-
viron sept Miles d'An-
gleterre de ciscuir, &
une quarantaine de Ca-
banes, ou Maisons, ras-
semblés dans une espece
de village; qu'il y a une
Batterie de vingt quatre
a vingt six canons de 24
lb. de Bale, mais qu'il
n'y a point de Fortifica-
tion; que les plus gros
vaisseaux peuvent en ap-
procher de bien prés, &
que le vaisseau le Mag-
nanime seul pourroit en
peu de temps destruire
la dite Batterie.

Que le plus gros vais-
seaux peuvent monter jus-
qu'a Vergerot, a deux
miles Angloises de l'em-
bouchure de la Riviere
avec leurs Canons, & E-
quipage; que la Riviere
est fort étroite.

Que l'on peut mettre
du Monde a terre au nord
d'une Batterie nommée de
Fourras sans etre vu du
Fort, dans une prairie,
ou le terrain est ferme et
uni, a la grande Portée
des Canons des Vaisseaux.

Que de l'endroit, ou
l'on met pied a terre, jus-
qu'a Rochefort il y a cinq
miles Angloises, le Che-
min

That the Isle d'Aix is
about seven English Miles
in Circumference; there are
about 40 Huts or Houses
together in a kind of Vil-
lage; that there is a Bat-
tery of 24, or 26 Guns, 24
Pounders, but that there
is no Fortification; that the
largest Ships may come very
near it, and that the Mag-
nanime, alone, might de-
stroy the said Battery in a
very short Time.

That the largest Ships
can go up as far as Verge-
rot, two English Miles
from the Mouth of the Ri-
ver, with their Guns and
Men, that the River is very
narrow.

That Men may be land-
ed to the North of a Bat-
tery called de Fourras, out
of Sight of the Fort, on a
Meadow where the Ground
is firm and level, and with-
in Random-Shot of the
Ships Guns.

That from the Landing-
Place to Rochefort, is five
English Miles, the Road
dry, and not intersected ei-
ther

‘ min sec, & n’est point
 ‘ coupé par des fosses, ny
 ‘ des marais.

‘ Que la ville est presque
 ‘ entourée par un ram-
 ‘ part, mais que l’endroit,
 ‘ qui aboutit a la Riviere
 ‘ des deux cotés, il n’y a
 ‘ point de mur l’espace de
 ‘ soixante pas, quin’est fer-
 ‘ mé simplement que par
 ‘ une Barriere ou Palisade,
 ‘ et que le terrain pour
 ‘ aborder les dites Pali-
 ‘ sades n’est coupé d’ au-
 ‘ cun Fossé.’

ther by Ditches, or Morafs.

*That the City is almost
 surrounded with a Ram-
 part, but that on both Sides,
 in that Place which ends at
 the River there is no Wall
 for the Length of sixty Pa-
 ces, the Inclosure being only
 a Bar or Palisade, and the
 Ground to come up to the
 Palisade is not intersected
 by any Fosse.*

LIEUTENANT COLONEL ROBERT CLERK. who
 was employed as principal Engineer on the Ex-
 pedition, being sworn and questioned, Whether he
 was at any Time at *Roche fort*?

Answered, Yes, in the Year 1754.

Q. Whether he at any Time wrote a Letter to
 Sir *John Ligonier* touching the State or Strength of
Roche fort?

A. He did in the Month of *July* last.

The Letter before read, which bears date the 15th
 of *July* 1757, being shewn to him, he said, that the
 same is of his Writing, and is the Letter he now re-
 fers to; the Contents of which he remembers per-
 fectly.

Being desired to disclose to the Court any Matter,
 other than contained in the said Letter, which he
 judges material for the Information of the Court, as
 tending to shew the Practicability or Impracticability
 of an Attack upon *Roche fort*, so far as the same was
 communicated to Sir *John Mordaunt*;

He deposed, that on the 26th of *September* last
 he went to the Isle of *Aix* to examine some of the
 principal Officers of the Fort, to see if he could
 procure from them any Information in Regard to

Roche fort.

Roche fort: He examined two or three at first, but found they would give him no distinct Answer, on which he resolved to dine with them, and pass the Day.—After Dinner, he told them, that he had spoke to two or three of the Company in Regard to the Strength of *Roche fort* and other Places on the Coast, but that they seemed very much afraid of giving him the smallest Degree of Information, but that their Caution was needless, as he knew the State of those Places as well as any of them: On which he took out his Pencil, and drew a slight Sketch first of *Rochelle*, describing its weak Parts, and then began and described in the same Manner the Town of *Roche fort*. He did not immediately ask their Opinions to confirm what he had said, but took the Engineer with him, who was one of the Company, and walked round the Fort; and in the Way told him, that there had been a Dispute between him and one of his Acquaintance, who knew nothing of the Place, but by Hearsay, whether Water could be thrown round the Town of *Roche fort*, and the Ditch filled: The Engineer answered, it was impossible, upon Account of the Height of some Parts of the Ground: The Engineer added, that he had often been at *Roche fort*, but that he could not give so particular an Account of it, as he had done; for he had not examined it with the greatest Attention, having always considered it, as an open Place.—This Circumstance, he (Lieut. Col. Clerk) communicated to Sir *John Mordaunt* the next Day (being the 27th) at 9 o'Clock in the Morning, and likewise to Major General *Conway*, as they were walking together on the Top of the Donjon over the Gateway of the Fort at the Isle of *Aix*. The Answer Sir *John Mordaunt* gave him at the Time was, that he was of Opinion, no Credit could be given to what a *French* Engineer said on such a Subject, and asked the Deponent, if he was in the *French* Engineer's Situation, whether he would have given any Information of that kind: He

C

replied,

replied, " Different Men have different Characters ;
" for my Part I believe him."

Being asked, Whether he was sent by Sir *John Mordaunt* to the Isle of *Aix* at this Time to get Information ?

Answered, No ; not at this Time.

Asked, Whether he had any Recommendation to the Governor of *Rocheport*, which procured him the Civility he met with in being permitted to view every Thing ?

Answered, No ; that he appeared in his Regimentals openly ; that he has travelled a great deal in *France*, and always in his Regimentals, and never was refused seeing any Place, but once at *Cette*, and that by a very particular Man, who refused the Ladies Permission to walk in the Gardens.

Being questioned (at the Desire of Sir *John Mordaunt*) What is meant by the Expression of " a Front " used in his Letter ?

Answered, He reckons it at a common Medium ; thinks 320 or 300 Yards.

Q. If an able *French* Engineer had as many Workmen as he wanted at *Rocheport*, how long it would take to throw up such an Entrenchment, as would make it equally secure, against a *Coup de Main*, with the rest of the Works ?

A. Every Body knows the Difficulty of answering a Question of this Kind, as it depends much on the Nature of the Ground ; likewise, what may be the Opinion of a very able Engineer, much superior to what he pretends to be, might not entirely agree with his Sentiments ; for his Part, he reckons, that Rampart was constructed in so absurd a Manner, and the Circumstance of the Ditch such, that he imagines it not impossible, that such an Entrenchment might be thrown up, so as to put it on a Footing with the rest of the Place in a few Days Time ; he cannot answer the Question with more Precision.

It being Three o'Clock, *Adjourned* till Tomorrow Morning 10 o'Clock.

Thursday,

THURSDAY, DECEMBER 15, 1757.

THE COURT being met pursuant to Adjournment,

Lieutenant Colonel *Clerk* was again called in, and questioned, as mention is made in his Evidence of the Height of some Part of the Ground,—Whether the Inequality of the Ground at *Rockefort* is such, that any part of the Ditch must be *considerably* above High Water Mark ?

Answered, He conceives, the upper Part is considerably higher, than the High-Water Mark ; though it is very difficult to judge of the Level of Ground with the Eye.

Q. Whether he made any Enquiry into the State of *Rockefort*, after their Arrival in the *Basque Road*, before the 25th of *September* ?

A. On the 24th, he was sent by Sir *John Mordaunt* from the *Ramilies*, which was lying in the Road of *Basque*, to the Isle of *Aix*, to examine what Prisoners he could find, who had been at *Rockefort* ; and, at the same Time to reconnoitre the Point, which runs out from *Fouras* : He went to the Island, where he found Captain *Hamilton*, Aid de Camp to Major General *Conway* ; who told him, that Major General *Conway* had taken such Prisoners, as he found capable of giving any satisfactory Account, on Board Ship with him ; upon which, after speaking to some of the Prisoners, and not receiving any Satisfaction, and giving himself the less Trouble, as Major General *Conway* had done that Part already, he went on Board a Ship ; and, after Dinner, asked Captain *How* to go along with him to reconnoitre the Point of *Fouras* ; and proposed to him to go on Shore, which was agreed to : They went accordingly, as did also Mr. *Boyd* and Mr. *Williams* ; and after walking a Couple of Miles over a spongy Neck of Land, which is overflowed at High-Water, they came upon the solid Continent, when he thought it not proper to proceed any farther ; left, if they ventured beyond the

Neck of Land, they might be surrounded, or cut off. They saw *Fouras* distinctly, that is to say, the Walls; they could not see the Fortifications, as they viewed it by Moon-light, and believes, upwards of an *English* Mile distant; they also saw a Fire, like the Flash of a Pan, about a Mile off, which made him propose to return on Board Ship: Mr. *Boyd* said, he heard a Fuzee go off; but the Deponent cannot say, he did:—They heard afterwards, from a Battery or Redoubt, (which is called *Fort d'Aiguille*) a Beating to Arms; they heard it very distinctly; but he cannot say at what Distance.

Q. If he can recollect, how the Wind was at that Time?

A. It was perfectly calm.

Q. Did he make any Observations in that Walk?

A. He don't remember any thing of Consequence; he reported it next Morning to Sir *John Mordaunt*.

Q. Whereabouts he went on Shore?

A. At the Point of Land called *Ile Denis*; it runs out from *Fort Fouras*.

Q. Did he land immediately on the Shore?

A. They landed on a Rock, between which Rock and the solid Continent is the spongy Ground he has spoken of.

Q. When did he leave *Gibraltar*?

A. In *September 1753*.

Q. As he mentions in his Letter having been at *Rockefort* in the Year 1754; Whether he has at any Time in the Interval of three Years, between that and 1757, mentioned the Observations he made there?

A. He has spoke of them to one or two People, who, he believes, may have mentioned them; and indeed, he spoke of them with an Intention they should be mentioned. The Letter to Sir *John Ligonier* was wrote by Sir *John's* Order, and arose from some Conversation, which had before passed on the Subject, Sir *John* desiring him to put his Observations in Writing.

Q. Whe-

Q. Whether he had any Discourse with Sir John Ligonier, in relation to *Rochefort*, before July 1757, being the Month, in which his Letter is dated?

A. He does not know, that he mentioned any Thing of *Rochefort* to Sir John Ligonier in particular, before July 1757.

Q. (By Desire of Sir John Mordaunt) Could he observe any Bank or Dyke at *Rochefort*, which separated the dry Fosse from the wet one?

A. He remembers none; he is absolutely clear in his Opinion, it was impossible to let the Water in all round.

Q. (by the Court.) Whether if he had been in *Rochefort*, and the Defence of the Place had been left to him, as an Engineer, and he had had ten Days Notice of a Force marching up, he could have put it in a sufficient Posture of Defence against a *Coup de Main*?

A. No; but that depends greatly upon the Number of the Garrison. He explained, that, what he understands by a *Coup de Main* is taking a Place in one, two, three, or four Days Time, without a regular Attack.

Q. Could it have been attacked without opening Trenches?

A. Yes.

Q. Had they scaling Ladders with them?

A. They had scaling Ladders 30 Feet high; and the Ramparts at *Rochefort* were but 25 Feet at the highest, taking in the Parapet; for in his Letter to Sir John Ligonier he put down every thing at the highest.

Q. If *Rochefort* could not have been taken under three or four Days, whether Artillery would not have been necessary to facilitate the taking of the Place?

A. Undoubtedly, Artillery would have been proper; but perhaps not absolutely necessary.

Q. Had they such Artillery?

A. They had Artillery for that Purpose; and as much, as he judged proper, viz. Six 24 Pounders,

and four 12 Pounders, together with spare Carriages.

Q. Does he think the Artillery could have been landed with tolerable Ease?

A. He thinks, very easily, at *Chatelaillon Bay*.

Q. Whether that is on the *Rochefort* Side of the *Charente*?

A. Yes.

Q. How near could the Transports come, in order to land the Troops?

A. The Report of the Rear-Admiral and Captains of Men of War answers that Question.

Q. (At Sir *John Mordaunt*'s Desire) What Day he made himself Master of the Nature of the Coast?

A. The first he heard of the Report of the Rear-Admiral and Captains was from Captain *Buckle* on the 25th; and he was afterwards more fully informed on the 28th, and in the Way home.

Q. Does what he says, in regard to landing the Artillery, arise from an Opinion he formed upon the Spot, or what he has heard since?

A. He formed that Opinion on the Spot; on any sandy Beach, he imagines, wherever Troops can land, Artillery can be landed.

Q. Was he ever present and assisting at the Attack of any Place?

A. He was at the Siege of *Bergen-op-zoom*, a Volunteer, and taken Prisoner the Day of the Assault; he was also at *Port l'Orient*, Engineer in Ordinary, which now gives the Rank of Captain; and went a Volunteer with Sir *John Mordaunt* to *Ostend*, but they did not arrive, till after the Siege; he saw the Attack, and was afterwards in the Trenches.

COLONEL *JAMES WOLFE*, (employed as Quarter-Master-General on the Expedition) being sworn, and desired to declare whatever he knows material for the Information of the Court, tending to shew the Practicability, or Impracticability, of a Descent on the *French Coast*, in Order to an Attack upon *Rochefort* at any Time while the Expedition was on Foot,—Deposed, That Sir *John Mordaunt* sent
Colonel

Colonel *Howard*, Lieutenant-Colonel *Murray*, and himself, on the 29th of *September*, to view the Bay of *Chatelaillon*. They went first on board the *Viper* Sloop, which anchored nearest to the Land, and had but a very imperfect View of the Land from thence; Colonel *Howard* in particular had a good deal of Conversation with the Captain of the Sloop, with regard to the Observations he had made. Not thinking they saw any thing distinctly enough from thence to make a Report upon, they went in a Boat, and rowed within the great Bay of *Chatelaillon*, within a Mile and a half of the Coast, being as near as they could venture with Safety; and the Report they made to Sir *John Mordaunt*, when they returned was, that they had not seen any Entrenchments, Redoubts, Batteries, or Troops, to prevent their landing in the great Bay of *Chatelaillon*: That they had seen six Pieces of Artillery upon the Point of *Chatelaillon*, and that the Sand Hills on the Shore were high enough to conceal the Motions of any Troops behind them (even Horse he believes) from Boats rowing to the Shore. They further reported, what Information they had received from the Captain of the *Viper*, namely, That some Days before that, he had seen a Number of Men on the Coast with Colours (but the Captain could not ascertain the Number) marching from the Side of *Rosbelle* to the great Bay of *Chatelaillon*, down to the left of the Point, and that those Men had been working in the Sand Hills three or four Days, he is not sure which, and had changed the Form of them.—He added, that before they went out of the *Viper*, they saw some Guards, or Posts, upon the Shore of the lesser Bay, just upon the Edge of the Coast.

Being asked, Whether their Report was made previous, or subsequent, to the Resolution taken of returning to *England*?

Answered, It was made about Five o'Clock in the Evening of the 29th; he cannot say, whether before or after that Resolution, as he does not know at what Time of the Day that Resolution was taken.

Being asked, Whether ever he was sent out to reconnoitre before the 29th?

Answered, That he was not sent out to reconnoitre before; but went out by Sir *John Mordaunt's* Leave, rather than being sent, about one o'Clock of the 23d, during the Attack of the Isle of *Aix*, and came to the Fort a little while after it surrendered. He landed, and got upon the Ramparts, and from thence viewed *Fouras* and the Land about it; he stayed as little while as he could, and then returned immediately to the *Ramilies*, which was anchored at a considerable Distance from the Isle of *Aix*, and made a Sort of a Report, of what he had observed, to Sir *Edward Hawke* and Sir *John Mordaunt*. He mentioned the Situation of *Fouras*, as it appeared to him, and took Notice of what he thought to be the Strength of it, to the Admiral and the General, which he was induced to do, as nobody else within his Knowledge had done it, and took the Liberty of saying to Sir *Edward Hawke*, that he believed, if the Depth of Water would allow of coming near enough, a Ship would batter it down very easily, or at least would so far take the Fire of the Fort upon the Ship, that the Troops might very safely land round about it;—what he spoke of the Land on the other Side of the Fort was from Conjecture only. Sir *Edward Hawke* at that Time seemed to embrace the Proposal with a great deal of Warmth, and Sir *John Mordaunt* so far approved of it, that he has been told, that Sir *John* and the other Generals the next Day made the Proposal in a more formal Manner to the Flag-Officers.—The Deponent believes, he said to Sir *Edward Hawke*, that, as he supposed, the Pilot of the *Magnanime* could very well inform him of the Depth of Water; and as the Admirals and Generals did not appear to disapprove of his speaking upon that Point, he just hinted to Sir *Edward Hawke*, that it might not be amiss to cause some Diversion on the Side of *Rockelle*, to divide the Enemy's Attention, which he apprehended might be done by means of the Bomb-ketches; he mentions
this

this particularly, as Sir *Edward* had so far agreed to it, that he sent both for the Pilot and the Bomb-ketches up from the Isle of *Aix* that Night, as he believes, the Deponent having suggested to him his Opinion, that there was not a Moment's Time to be lost.—The next Morning the Deponent, not having been able himself to see the Ground on the other Side *Fouras*, spoke to the Pilot, and asked him some Questions concerning that Ground, particularly, whether a Body of Men, being conveyed in Boats or Cutters, could be landed during the supposed Attack by Sea, between *Fouras* and Fort *la Pointe*, so as to cut off the Communication from *Rochefort*. The Pilot seemed clearly to understand his Notion of the Attack, and of landing at the same Time on both Sides the Fort, and told the Deponent he could, or believed he could, (he cannot say positively which) take the *Magnanime* up to batter the Fort; as also, that the landing between *Fouras* and *la Pointe* was very practicable, supposing the Fort to be attacked, as proposed, at the same Time.

Being asked, at the Desire of Sir *John Mordaunt*, whether, on the Evening of the 23d, Sir *Edward Hawke* did not tell him, that he intended the next Morning to send up a Ship to batter *Fouras*?

Answered, He understood Sir *Edward Hawke's* Intentions to be such.

Asked, (by the Court) What Number of Men he apprehends could have been landed in the Boats?

Answered, In all the Boats of the Fleet he conceives 22 or 23 Hundred Men; he means, Infantry.

Asked, (by Desire of Sir *John Mordaunt*) What Number of Troops, under a good Officer, might have been sufficient to prevent their Landing in *Cbataillon* Bay out of Boats?

Answered, This is only Matter of Opinion, and depends intirely on the Goodness of the Officer; but according to his Notions, he should imagine a thousand regular good Foot, and two or three hundred

Horse,

Horse, exclusive of Artillery, would make it very difficult for 22 or 23 Hundred Men to land there.

Asked, (by the Court) when the Men were in the Boats, how far had they to row to Land?

Answered, The Transports were anchored at different Distances; they were, one with another, about four or five Miles from the Shore.

Asked, In what Boats the Men were intended to be landed?

Answered, In the Long boats of the Men of War and Transports, which must have been towed by the Row-boats and Pinnaces, as the Wind was off Shore, on the 28th. When the Wind was fair, he believes it might be possible to set Sail for the Purpose of landing.—The Transports had each of them a Long-boat, and most of them two or three rowing Boats.

Asked, How near he was at any Time to Fort Fouras?

Answered, The nearest Distance he ever was to Fort Fouras was on the *Donjon* at the Isle of Aix, which is about five Miles from the Fort, as he judges.

Asked, How near the Sand Hills were to the Water?

Answered, They seemed to be pretty near at High Water; they are, as they say, about Fifty Yards from High-Water Mark.

Asked, At what Distance the landing could be made from the Six Pieces of Artillery mentioned in his Evidence?

Answered, That it depends on the navigating of the Boats; but he conceives it possible to land intirely out of the Reach of that Artillery.

Asked, How does he compute the 22 or 23 hundred Men, which he supposes could have been landed at once?

Answered, Sir John Mordaunt, by his Orders on the 28th, had provided, that the Boats should not be too much crowded; and the Deponent took some Pains to enquire, how many Men had been embarked,

ed, and how many were intended to be embarked ;
and from thence he made this Calculation, but cannot pretend to be exact.

REAR-ADMIRAL THOMAS BRODRICK being sworn, was asked, What Day the Fleet, sent out upon the Expedition, arrived off the Coast of *France*?

Answered, Thinks, the 20th.

Q. What Day they got within the *Basque Road*?

A. The 22d or 23d ; thinks the 23d ; the Attack of the Isle of *Aix* was made the same Day.

Q. Whether he was at any Time sent out to reconnoitre, and make Soundings?

A. He was sent out the 23d in the Afternoon by Sir *Edward Hawke*, and was upon that Service all Night, and continued upon it, he thinks, till 3 or 4 o'Clock the Afternoon following, when he returned, and immediately made his Report to Sir *Edward Hawke*.

A PAPER, purporting to be a Copy of the said Report, being produced and shewn to Rear-Admiral *Brodrick*, he perused and considered the same, and informed the Court, that he believes it to be an exact Copy of the Report made by him to Sir *Edward Hawke*, jointly with the three Captains sent with him upon that Service, which was then read in Words following:

- ‘ In Pursuance of an Order from Sir *Edward Hawke*,
- ‘ Knight of the Bath, Admiral of the blue Squadron of his Majesty's Fleet, &c. Dated the 23d
- ‘ of September, 1757;

‘ **W**E the under written went and sounded the French Shore from *Rochele* to Fort *Fouras*, and find as follows.

- ‘ From the south Point of the Entrance of *Rochele*,
- ‘ (on which Point there are 27 Guns mounted on Barbets) to the Point of the *Angolin*, we find it a rocky Shore, and steep Cliffs, with Shoals near two Miles off ; from *Angolin* to *Chatelaillon*, we find a fair, hard, sandy,

• sandy Beach, with a Flat lying off near two Miles,
 • having but three Fathom at High Water at that
 • Distance, but clear Ground, along which Beach
 • are Sand Hills about Fifty Yards from the Top of
 • High Water. On the Point of *Chatelaillon* are two
 • Guns on Barbet, which can no Ways annoy the
 • landing of the Troops in the Bays of either Side of
 • it; and off which Point runs a Riff of Rocks West
 • two Miles, which are dry at low Water; and
 • round the said Point, about half a Mile to the
 • Eastward, there is a small sandy Bay near half a
 • Mile long; and the Land over the said Bay rises
 • with an easy Ascent about a Quarter of a Mile to a
 • Church or Convent, with a few Houses near it;
 • from the sandy Bay, along to a square Fort on the
 • south Part of the Bay, lies a long flat Mud, which
 • is dry near two Miles at low Water.

• It is our general Opinion, the Transports cannot
 • come nearer to either of the foresaid Bays (in order
 • to land Troops) than a Mile and an half, as we
 • found three Fathoms only at that Distance at High
 • Water.

• The square Fort on the south Side of the Bay we
 • could only see two Sides of; the Face to the North-
 • West had nine Embrasures, and that to the North-
 • East only two.

• Given under our Hands, on board his Majes-
 • ty's Ship *Ramilies* in *Basque Road*, this 24th
 • of September, 1757.

• THOMAS BRODRICK.

• JAMES DOUGLAS.

• PET. DENNIS.

• MATT. BUCKLE."

Rear-Admiral *Brodrick* being asked, as the Report
 only mentions Transports, how near the Men of
 War could come to the Shore?

Answered, In his Opinion, not nearer than Two
 Miles.

Q. What

Q. What Sort of landing there was for Boats, in the great Bay of *Chatelaillon*?

A. It was a fair sandy Bay, hard Ground, and a landing might have been made with Ease, in his Opinion.

Q. Whether he saw any Troops to obstruct the landing, had it been attempted soon after his Return from the Soundings?

A. When he was sounding, he did observe Troops to the Northward of the Bay of *Chatelaillon*, to the best of his Judgment, about four or five hundred Foot drawn up on a Hill, and in the Bottom, to the Northward of the Hill, were about one hundred and fifty Horse, as near as he could judge.

Q. How far, according to the best Information he received, is the great Bay of *Chatelaillon* from *Rockefort*?

A. It is about 9 Miles, as he was told, from *Rockefort*, and 9 Miles from *Rockelle*; but cannot take upon himself to say, it is so.

Q. (By Desire of Sir *John Mordaunt*) Could the Men of War have covered the Landing and the Retreat?

A. He don't think they could do either the one, or the other.

Q. Does he think, separated as the Fleet then was, considering the Wind and Tide, (of which Circumstances he is the most proper Judge) that all the necessary Preparations could have been made, so as to have effected the landing that Night?

A. He does not think, they could.

Q. (By the Court) Could he, by the help of a Glass, observe how the Troops were cloath'd, whether in Regimentals, or otherwise?

A. They were at too great a Distance to discover that.

Q. What Number of Men, in his Opinion, not crowding the Boats, could have been landed together?

A. It

A. It was generally thought, in all the Boats, they could have landed from fifteen to eighteen hundred Men; they put but very few in the Boats, that were to tow the Long-boats; this is only Matter of Opinion; he cannot possibly ascertain the direct Number.

Q. In case 1800 Men were put on board the Boats; whether he does not imagine there would be a considerable Distance of Time between the disembarking the first Men, and the last of the same Embarkation?

A. He should have thought it his Duty to have contrived so, as that all the Boats should have landed together.

Q. Supposing it moderate Weather, (upon the 25th of *September* for Instance, if that was such Weather) what would have been the Distance of Time between the first and second Disembarkation?

A. He cannot pretend to say; he never considered it in moderate Weather; and as to the 25th of *September*, he cannot particularly recollect, how the Weather was that Day.—On the Night of the 28th, in which Preparation was made for landing, it would have taken at least six Hours; but not near so much in good Weather.

THE EVIDENCE in Support of the Charge being rested here, Sir *JOHN MORDAUNT* was told it was now Time to make his Defence; who informed the Court, that he had caused some Thoughts to be put in Writing, which, as he had an Hesitation in his Voice, he prayed the Court would permit to be read; and the same were read accordingly, as follows, *viz.*

“ My LORD,

“ His Majesty was pleased to confer upon me the
 “ Command of the Land-Forces appointed to co-
 “ operate with a Squadron of Ships of War, com-
 “ manded by Sir *Edward Hawke*, to be employed
 “ upon the late Expedition: The Enterprize proved
 “ ineffectual. Soon after my Return I was sum-
 “ moned

“ moned to appear before a Board of General Officers, whom his Majesty had appointed to enquire into the Causes of the Failure of the Expedition.

“ I appeared upon the Enquiry, and was considered as a Person accused, and from whom a Defence was expected.

“ The Enquiry had all the Appearance of a Public Trial, except in two Circumstances,—The Witnesses were not examined upon Oath, and I, who stood accused, was examined; which Examination might, in its Tendency, produce, if the Case would bear it, a Charge against myself.

“ I am now called upon in a Court-Martial to answer to a general Charge of Disobedience of his Majesty's Orders. No Intimation was given me, to what particular Instances of Disobedience it would be applied.

“ I do not complain of these Proceedings; my own Conduct gives me nothing to apprehend; and his Majesty's Government is incapable of Oppression.

“ I am not sensible, that any Error, I am sure, no Act of Disobedience will be found in my Share of the Transaction.

“ I am now accused of Disobedience of the secret Instructions. It is a criminal Disobedience that is imputed to me, and a criminal Disobedience implies a positive Direction.

“ It is upon this Ground, that the Prosecutor has proceeded; and in order to make out the Charge, there have been produced certain Papers and Witnesses, which ought to be considered in two Lights. —1st. Some relating to a Transaction previous to the Expedition, as Colonel Clerk's Letter, the Pilot's Examination, the Paper relating to the French Forces, and the Evidence of Mr. Secretary Pitt.

“ These are only introductory, and the Ground of the Equipment, and prior to the Instructions; and therefore although they are sufficient to shew the
“ Reasons

“ Reasons, why the Administration sent out the Fleet
 “ and Forces, yet such Evidence can never be ap-
 “ plied to prove a subsequent Disobedience to poste-
 “ rior Orders; and that this Reasoning is just, ap-
 “ pears from the very Article on which the Charge
 “ is founded.

“ For notwithstanding the Ministers were possessed
 “ of all this Evidence, and acted upon it, yet my
 “ Instructions were not positive; but the Operations
 “ were expressly left to what should be discovered of
 “ the Practicability of the Attempt.

“ The second Sort of Evidence was by some Wit-
 “ nesses to prove, That in Fact there was sufficient
 “ Ground newly discovered, after the Fleet got into
 “ the *Rade de Basques*, to shew that the Attempt
 “ upon *Rockefort*, mentioned in the Instructions, was
 “ practicable.

“ This Sort of Evidence has been carried down to
 “ the Morning of the 29th of *September*, and no
 “ later.

“ The Evidence under this second Head is the
 “ only Evidence, that can legally and justly be ap-
 “ plied to prove the Charge against me.

“ That Evidence consists of Colonel *Clerk's* Ac-
 “ count of a Conversation with a *French* Engineer
 “ upon the 26th of *September* in the Afternoon.

“ Whether the Evidence of this single *French* En-
 “ gineer deserved the Weight, which the Prosecutor
 “ seems to lay on it, will appear very clearly when
 “ I have opened my Defence, and the Court is fully
 “ possessed of all the Facts relative to this Subject.

“ In the mean Time this may be observed, That
 “ Colonel *Clerk*, the Chief Engineer in the Expe-
 “ dition, produced no new Intelligence 'till the 27th,
 “ altho' he arrived on the 23d, was examined at the
 “ Council of War on the 25th, procured this Ac-
 “ count on the 26th, and did not communicate it
 “ till the 27th.

“ Colonel *Wolf's* Evidence is confined altogether
 “ to the Observations he made upon the 29th in

“ Con-

“ Consequence of the Orders I had given him to
 “ examine the Coast ; and what was done upon the
 “ 29th will appear to the Court, and be accounted
 “ for hereafter.

“ Thus much may be here observed, That we had
 “ unanimously determined upon the 28th to attempt
 “ a Descent in the Bay of *Chatelaillon*. The At-
 “ tempt was disappointed, and not renewed for the
 “ Reasons that will be mentioned, when I come to
 “ that Part of my Defence.

“ A Memorandum has been delivered in by the
 “ Secretary of State, shewing the Number of the
 “ Land-Forces in *France* in 1757. By that it ap-
 “ pears, (allowing the Account to be just) that
 “ 40,000 Regular Troops remain at Home for the
 “ Defence of their Country, which are supposed to
 “ be distributed in such a Manner, that only 10,000
 “ are left to guard the whole Coast from *St. Valeri*
 “ to *Bayonne*. 'Tis evident from reading the Pa-
 “ per itself, that the Distribution of the Regular
 “ Troops is Matter of Guess and Computation, not
 “ of Intelligence. Besides the Regular Troops, it
 “ is allowed that there are 67,000 Militia, Invalids,
 “ &c. which are not accounted for.

“ A few Reflections will suffice to shew the Weak-
 “ ness of this Reasoning. In the first Place, Why
 “ should the Court of *France* place 30,000 Regular
 “ Troops in Garrisons, where they have nothing
 “ to fear ? For Instance, on the Frontiers next the
 “ Dominions of the Empress, who is entirely at
 “ their Mercy ; or on the Coast of the *Mediterranean*,
 “ where they have no Descent to fear from a Fleet
 “ that has no Land-Forces on board ; or on the Bor-
 “ ders of *Spain*, with whom they are at Peace, and
 “ but too well allied, only to leave her Coast in the
 “ Channel exposed to our Fleets, who are profesed-
 “ ly watching for an Opportunity of insulting them.
 “ Why might not the 67,000 Militia, who appear
 “ to have nothing else to do, be employed in guard-
 “ ing the Coast ? And we must take care not to

" form a Notion of their Militia from our own.
 " Many Regiments of them have seen Service in the
 " Field; most of them have been in Garrison. Two
 " Regiments of the Militia were employed in the
 " Siege of *Ostend*. Now why might not 30,000 of
 " them be placed in the Frontier Garrisons, where
 " no Enemy was apprehended, and an equal Num-
 " ber of Regulars be drawn down to the Coasts?
 " These along with the rest would form a Body of
 " 40,000 regular Troops, and 37,000 Militia to
 " guard the Coast against our Ten Battalions. This
 " Measure, which we suppose them to have taken,
 " was prudent, obvious, and practicable. The Pre-
 " parations we were making in *England*, pointed out
 " to them the Expediency of it, and the Delays that
 " attended our Preparations allowed them Time to
 " execute it.

" Here the Prosecutor has thought fit to rest his
 " whole Charge and close his Accusation.

" And in order to shew the Weakness of it, the
 " Court will consider the Instructions, under which
 " I took the Command, and the Circumstances un-
 " der which I was obliged to form my Judgment.

" The Instructions have been read, and it is the
 " second Article alone, by which the Charge against
 " me is to be supported. But besides this Article,
 " the fifth Article of the Instructions is equally ma-
 " terial, and deserving the Attention of the Court.

" The Words of the second Article are exceed-
 " ingly plain, and shew, that I did not set out un-
 " der peremptory, positive Orders, but that every
 " Attempt was left contingent to be determined ac-
 " cording to the Practicability to be judged of upon
 " the Spot. I say, to be judged of upon the Spot,
 " because it is very material to remark, That it
 " was not judged of, or determined upon here at
 " Home.

" The Court will also observe, who was the Per-
 " son to judge; certainly the Commander in Chief.
 " But as in a Case of so much Importance, his Ma-
 " jesty

“ jesty thought it proper to assist that Commander
 “ with a Council to be composed, as in the fifth Ar-
 “ ticle, I may confidently assert, that the Judge-
 “ Advocate will not contend, that I could disobey
 “ his Majesty’s Instructions by taking the Assistance
 “ of a Council so appointed.

“ It could not be Disobedience to doubt.

“ It could not be Disobedience to desire Assistance
 “ to clear up that Doubt.

“ If it was possible for the Court to hesitate upon
 “ the proper Sense of these Instructions, Mr. Se-
 “ cretary *Pitt*’s Letter of the 13th of *August* makes
 “ it clear to a Demonstration ; in which he says,
 ‘ He is commanded to signify his Majesty’s Pleasure,
 ‘ That you should, in Conformity to the Latitude
 ‘ given by his Majesty’s Instructions, judge of the
 ‘ Practicability of the Service upon the Spot, ac-
 ‘ cording as the contingent Events and particular
 ‘ Circumstances may require.’

“ If this could require further Explanation, what
 “ arises upon the third Article of Instructions re-
 “ lative to *Port l’Orient* would establish it.

“ The Direction to attack *Port l’Orient* is expressed
 “ in the same Manner as the second Article, with
 “ regard to *Rochefort*, that is,” ‘ If it should be
 “ judged practicable.’

“ Yet it will appear, that one of the Generals men-
 “ tioning the State of *Port l’Orient* to Mr. *Pitt*, Mr.
 “ *Pitt* said, That though *Port l’Orient* was named
 “ amongst other Places to be attacked, the Instruc-
 “ tions were not meant to confine me, but that I was
 “ left to my Discretion to attempt it, or not, as I
 “ thought proper.

“ Under these Instructions, and with this Latitude,
 “ I took the Command of the Land-Forces, and be-
 “ fore I produce to the Court that Judgment, which
 “ was formed upon the Practicability upon the Spot,
 “ I must desire your Attention, whilst I state the Cir-
 “ cumstances under which it was necessary for me to
 “ determine.

“ The only Place for landing the Forces, which
 “ had ever been mentioned, or come under Con-
 “ sideration in *England*, was a Spot near Fort *Fouras*;
 “ that was the Place mentioned by the *French* Pilot.
 “ His was the only Information of any Place to land
 “ at, at all : With the View of landing there, we set
 “ out ; but when we came there, we found a Fort
 “ erected upon the very Spot, of which he appeared
 “ to have no Knowledge.

“ Upon the 23d the Isle of *Aix* was taken, and
 “ that same Evening Sir *Edward Hawke* declared his
 “ Intentions to bombard *Rockelle*, and lay up a Ship
 “ to batter the Fort of *Fouras*, and he sent for the
 “ Pilot of the *Magnanime* to inform himself con-
 “ cerning the best Manner of doing it ; and the Con-
 “ versation of this Evening was upon taking the Fort,
 “ and upon the Method of landing the Troops.

“ Early in the Morning of the 24th the Pilot of
 “ the *Magnanime* came on board the *Ramilies*, and
 “ was examined in the Presence of Sir *Edward Hawke*
 “ and Admiral *Knowles* ; he then said, He would
 “ undertake to bring up the *Barfleur*, or the *Magna-*
 “ *nime*, within a Quarter of a Mile of Fort *Fouras*,
 “ Sir *Edward Hawke* approved of the Propofal, and
 “ said, ‘ That will do.’

“ The same Morning Major General *Conway* came
 “ on board the *Ramilies*, when we considered of a
 “ Plan he had concerted for the landing of the
 “ Troops near *Fouras*, whilst the Ships were em-
 “ ployed to silence the Cannon of the Fort, and
 “ Feints were to be made in another Part to amuse
 “ the Enemy.

“ Major General *Conway* wrote the Particulars of
 “ the Plan, and gave it to Sir *Edward Hawke*, who
 “ did not approve of it. The Reasons he gave for not
 “ attempting to attack *Fouras* by Sea were peculiar
 “ to his own Profession, and I am no Judge of them.
 “ This I know, that had the Fort been attacked by
 “ Ships, I should certainly have attempted to have
 “ landed the Troops near that Fort.

“ The

" The same Day about three or four o'Clock in
 " the Afternoon Admiral *Brodrick*, with three Cap-
 " tains of the Navy, who were sent out to sound
 " the Shore from *Rochelle* to Fort *Fouras*, came on
 " board the *Ramilies*, and made their Report ; the
 " Substance of which was, That there were only
 " two landing Places, one on each Side of *Cbate-*
 " *laillon* ; that there was a hard sandy Beach, and
 " that behind the Beach there were Sand-Hills about
 " fifty Yards from the Top of high Water ; that
 " the Transports could not come nearer to either of
 " the aforesaid Bays, in order to land the Troops,
 " than a Mile and a half ; and that there was but
 " three Fathom Depth at high Water, near two
 " Miles from the Shore. From this Report it ap-
 " peared, That the Fleet could not approach the
 " Shore near enough to cover our landing, and
 " Troops and Artillery might easily be concealed
 " behind the Sand-Hills to oppose us ; and we had
 " the more Reason to expect an Opposition, as the
 " Rear Admiral had seen Troops marching on the
 " Shore : Add to this, that the Garrison of *Rochelle*
 " was within two Leagues, and might detach a con-
 " siderable Body of Men to attack us ; at the same
 " Time, the Ships were at too great a Distance to
 " secure our Retreat, or preserve a Communication
 " with us. *Tbierri*, the Pilot of the *Magnanime*,
 " also affirmed, that he had been six or seven Weeks
 " on board in that Road, in all which Time it was
 " impossible from the Swell of the Sea to send a
 " Boat on Shore : This great Swell is owing to we-
 " sterly Winds setting into the Bay from the Ocean ;
 " which Winds were now daily expected, it being
 " near the Time of the Equinox.

" And what great Attention ought to be paid to the Se-
 " curity of our Retreat, and the preserving a Communi-
 " cation with the Ships, will appear from a Paper given
 " me by Sir *John Ligonier*, now Lord Viscount *Ligonier*,
 " Commander in Chief of his Majesty's Land Forces,
 " whose long Experience and great Abilities in the Art

“ of War, will surely vindicate any Officer, who is guid-
 “ ed by so good an Authority : This Paper, containing
 “ his Observations on the intended Expedition, was, as
 “ I remember, read before the Council, and, when I
 “ desired a positive Order, he gave me that Paper.

“ The Paragraphs are as follow.”

“ If an Attempt is to be made on *Rocheport*, it
 “ will be the Part of the Admiral to know the
 “ Coasts, to bring the Troops to the nearest Place,
 “ to cover the Landing by the Disposition of his
 “ Ships, and to destroy any Barbette Batteries,
 “ which the Enemy may have on the Shore, still
 “ remembering, that if the Troops are landed at
 “ too great a Distance from the Place, the Design
 “ will become dangerous, and probably impracti-
 “ cable.

“ A safe and well secured Communication be-
 “ tween the Camp and the Sea, from whence you
 “ are to receive your Supplies of all Kinds, is abso-
 “ lutely necessary---the whole depends upon it ;
 “ But this being done, I should not be much in
 “ Pain for the Safety of the Troops ; an inferior
 “ Number dares not approach you, and one supe-
 “ rior will not be easily assembled without your
 “ knowing it, and at all Events you have secured a
 “ Retreat to the Ships.”

“ Tho’ the Success of this Enterprize depended
 “ entirely upon the Suddenness of its Execution, yet
 “ it was apparent from many Circumstances, that we
 “ could not hope to find the Enemy unprepared. I
 “ had already received Intelligence from the Admiral,
 “ that Captain *Cleveland*, on the 17th of *August*, had
 “ spoke with a *Dutch* Convoy from *Rochele*, and that
 “ the First Lieutenant of a Man of War came on
 “ board him, and told him, that the *French* expected
 “ the *English* at *Rochele*.

“ Captain *Proby* also had reported to the Admiral,
 “ that he had, on the 11th of *September*, spoke with
 “ the

“ the Master of a *Dutch Ship* from *Vannes* to *Dort*,
 “ who told him, that the *French* expected to be at-
 “ tacked at *Rochele*, or *St. Martin's*, by the *English*,
 “ and that an Embargo was laid on all Shipping in
 “ *France*.

“ After the Transports had been taken up, and the
 “ Troops assembled near two Months, we sailed the
 “ 8th of *September*; and the Alarm was given on the
 “ 20th, in the Neighbourhood of *Rochefort*, by the
 “ Arrival of our long expected Fleet; from the 20th
 “ it must have been at least eight Days before we
 “ could have come to *Rochefort*, and as there was In-
 “ telligence from two Persons, that the *Dutch* round
 “ the Town was capable of being filled with Water,
 “ an Escalade could not be attempted with any Hopes
 “ of Success; nor could it be supposed, but that, af-
 “ ter so long Notice of an Enemy's Approach, the
 “ Town would be put in a good Condition of De-
 “ fence.

“ There was a Marshal of *France* either at *Rochele*
 “ or *Rochefort*, and by the Accounts of the Pri-
 “ soners, there was an Army assembled; one said he
 “ had seen seventeen Battalions in the *Isle of Rhé*,
 “ and eleven at *Rochele*. There are always Marines
 “ there, the Place is very populous, and the Men used
 “ to Arms; the Dock-men are very numerous, and
 “ the Crews of the five Ships then in the River, a-
 “ mounted, if compleat, to near three Thousand
 “ Men.

“ As for the Opening mentioned by Colonel Clerk
 “ and the Pilot, it is plain from its Situation on the
 “ Banks of the River, that it was defended by the
 “ Fire from the Ships, and the Enemy in two or three
 “ Days Time might easily have raised an Entrench-
 “ ment in that low marshy Soil, that would be a suffi-
 “ cient Defence against a *Coup de Main*.

“ Admiral Brodrick said, that it was impossible to
 “ land the 24th.

“ I now found myself in the Situation I had men-
 “ tioned to Mr. *Pitt* in my Letter of the 11th of *Au-*
 “ *gust*, having actually been several Days off the Coast
 “ without being able to get into the Road, and the
 “ Alarm was already given. I had acquainted Mr.
 “ *Pitt*, that I looked upon this as a delicate Situation,
 “ since the Success of the Enterprize depended on the
 “ Suddenness of its Execution, and had desired par-
 “ ticular Directions how to act. In his Answer, *Au-*
 “ *gust* 13, he says, he has laid my Letter before his
 “ Majesty, and that he is commanded by the King to
 “ signify to me his Majesty’s Pleasure, that I do, in
 “ Conformity to the Latitude given by his Majesty’s
 “ Instructions, judge of the Practicability of the Ser-
 “ vice upon the Spot, according as the contingent E-
 “ vents and particular Circumstances may require,
 “ the King judging it highly prejudicial to the Good
 “ of his Service to give particular Orders and Direc-
 “ tions with regard to possible contingent Cases, that
 “ may arise.

“ From this Answer I thought it evident, that I
 “ was impowered to act, as Events and Circumstances
 “ required; and it appearing by the Circumstances
 “ abovementioned, that we had been already seen for
 “ many Days on the Coast, so that the Coast was
 “ thoroughly alarmed; that by the small Quantity
 “ of Artillery, we could not attack the Place in Form,
 “ and by the Circumstances relating to it, there were
 “ no Hopes of succeeding by an Escalade; and also
 “ that there was no Security at all of a Retreat for
 “ the Troops, or of any Communication with the
 “ Ships; not chusing to depend upon my own Judg-
 “ ment in so difficult and important an Affair, I
 “ thought it my Duty, agreeable to his Majesty’s In-
 “ structions, to desire a Council of War, to take into
 “ Consideration the further Steps proper to be taken in
 “ Execution of his Majesty’s secret Instructions.
 “ The Council was desired by me; Sir *Edward Hawke*
 “ summoned it, and presided at it; and I feel true
 “ Content of Mind, that at that Council I concurr-

“ ed

“ ed in an unanimous Opinion with seven Land and
 “ Sea Officers, whose Characters, whose Rank, Ex-
 “ perience, and whose unstained Honour are so well
 “ known to the World.

“ These were the Circumstances, under which I
 “ called the Council of War. I did not in calling
 “ it disobey my Instructions.

“ The Judgment was unanimous, and upon this
 “ Judgment I must rest my Defence, and insist, that
 “ it cannot be impeached, and, whilst it remains, I
 “ cannot be found disobedient of Orders, which
 “ named the Judges, and referred the Attempt to my
 “ Determination with such Assistance.

“ Thus the Attempt upon *Rochefort* was deter-
 “ mined upon the 25th of *September*, and the Judge
 “ Advocate has produced nothing subsequent to that
 “ Day, but what the *French* Engineer said to Colonel
 “ *Clerk* upon the 26th, and the Observations of Colo-
 “ nel *Wolfe* on the 29th.

“ I should not apprehend much was necessary to
 “ satisfy the Court, that this Story, which Colonel
 “ *Clerk* himself made so light of as not to mention
 “ to me till the 27th at 9 in the Morning, although
 “ it had been told him on the 26th in the Afternoon,
 “ scarce deserves an Answer.

“ That Story surely was not sufficient to induce me
 “ either to require a Review of, or act contrary to,
 “ the unanimous Opinion of the Council of War.

“ I thought the Account not deserving so much
 “ Attention; it was my honest Opinion, and if I
 “ have erred, I have this Satisfaction, That I know,
 “ I have not disobeyed.

“ But this appears from the Evidence of Colonel
 “ *Clerk*, that I was seriously attentive to the Execution
 “ of my Orders, and accordingly employed him on
 “ the 24th, to reconnoitre and gain Intelligence.

“ Colonel *Clerk* says, that there was nothing in the
 “ Ditch to let in, or keep in the Water; whereas it
 “ appeared by Mr. *Bonneville's*, and the Pilot of the
 “ *Neptune's* Information, that there were Sluices for

“ that

“ that Purpose. The scaling Ladders were in all 80,
 “ 20 of which were of 25 Feet, and the rest of 30.

“ Colonel *Wolfe* has mentioned a Proposition of an
 “ Attack, that I and General *Conway* made to Sir *Ed-*
 “ *ward Hawke* upon the 24th; the Part which be-
 “ longed to my Province in that Plan I embraced
 “ cheerfully, and was ready to execute with Dispatch;
 “ but my Part of it was but secondary; the Grounds
 “ upon which the primary Part failed of Execution,
 “ did not relate to my Share in the Operation, there-
 “ fore I do not presume to make any Observations
 “ upon it.

“ The Council of War of the 28th came to a Re-
 “ solution to land with all possible Dispatch, to at-
 “ tack the Forts leading to, and upon the Mouth of,
 “ the River *Charante*; and it being judged most ex-
 “ pedient, that the Descent should be made in the
 “ Night, the necessary Orders were immediately given,
 “ and about One o’Clock the Grenadiers, and great
 “ Part of the Troops, who were to have landed with
 “ me in the first Embarkation, were on board the
 “ Boats, when a strong Wind blowing from the
 “ Shore, the Officers of the Navy appointed to con-
 “ duct the Landing, represented, that it was with
 “ Difficulty the Long Boats, which were to be towed
 “ on Shore, could make way, and consequently the
 “ Troops would be a long Time exposed to the Fire
 “ of the Enemy; That the Transport Boats, which
 “ were rowed by Soldiers, would be still slower, and
 “ more exposed; that it would be Day, before the first
 “ Embarkation could get on Shore, and that it would
 “ be six Hours more before the Troops first landed
 “ could be supported by a second Embarkation: The
 “ Generals judging the landing under these Circum-
 “ stances not to be expedient, agreed not to attempt
 “ it that Night.

“ The next Morning Sir *Edward Hawke* acquaint-
 “ General *Conway* and me, that if the General Offi-
 “ cers had no farther military Operations to propose,
 “ considerable enough to authorize his detaining the
 “ Squa-

" the Squadron under his Command longer there, he
 " intended to proceed with it for *England*, without Loss
 " of Time; I made Answer, that I would summon the
 " General Officers to consider of it, and I desired him
 " to signify his Intentions in Writing, which he did
 " in a Letter to me the same Day; I recollected that
 " it would be proper to summon a Council of War,
 " and applied to Sir *Edward* for one accordingly,
 " who declined it, and said, that Seamen were no
 " Judges of Land Operations, which were to be per-
 " formed by the Troops on Shore. In Consequence
 " of this Conversation, I summoned all the Land
 " Officers, who had been of the Council of War, and
 " laid Sir *Edward Hawke's* Letter before them.

" We considered the Uncertainty of landing, if
 " the Wind should blow as it had done the Night be-
 " fore, and the Account we had that Day received
 " from the Captain of the *Viper* Sloop, who had in-
 " formed Colonel *Howard*, that he had seen a consi-
 " derable Body of Troops near the Landing Place,
 " whose Numbers he did not exactly know, but he
 " had observed five Pair of Colours; that he saw
 " them in Camp; that the next Morning the View of
 " the Camp was interrupted, so that he could not see
 " them again, which he attributed to the Enemy
 " having thrown up some Ground on the Beach, and
 " that he saw the Sand Hills on the Beach consider-
 " ably higher than they were on *Sunday*, when he
 " came there. Colonel *Howard*, in his Return from
 " reconnoitring, reported this to me.

" It farther appeared to us, that the Attempt up-
 " on those Forts at this Time, could not justify the
 " ill Consequences of detaining the Fleet in that Bay,
 " at a Time when, from what we had learnt from
 " the Conversation of the Sea Officers, two great
 " *French* Fleets were expected home; that at this Sea-
 " son of the Year, so near the Equinox, such wester-
 " ly Winds were to be apprehended, as might detain
 " the Fleet there many Weeks; that the Foundation,
 " upon which the Resolution of the Council of War
 " upon

“ upon the 28th was taken, was, that it might be
 “ done during the necessary Detention of the Fleet in
 “ the Demolition of the Fort of *Aix*, and thereupon
 “ was directed to be done with all possible Dispatch :
 “ That the Demolition of the Works of the Isle of
 “ *Aix* was compleated that very Day, and that the
 “ Wind was then fair for the Fleet to return ; add to
 “ this, that the Time limited by his Majesty's Instruc-
 “ tions was now expired, and that the Time was not
 “ prolonged by Mr. *Pitt's* Letter, which allowed us
 “ only to compleat such Operations, as we had already
 “ begun.

“ Upon all these Considerations, not thinking it a
 “ Measure either adviseable or justifiable in us to take
 “ upon ourselves the Consequences of detaining the
 “ Fleet any longer in those Parts, we came unani-
 “ mously into the Admiral's Proposal of returning to
 “ *England*.

“ This Meeting of all the Officers, who were pro-
 “ perly under my Command, tho' I do not call it a
 “ Council of War, I look upon equal to one.

“ Sir *Edward Hawke*, the Commander of the Sea
 “ Officers, declined calling them ; I was not certain,
 “ that I had Power to do it. Sir *Edward Hawke's*
 “ Reason for declining to call the Council was, that
 “ the Sea Officers could form no Judgment. Their
 “ Presence therefore, at a Council of War, could on-
 “ ly be Matter of Form ; the Land Officers could
 “ only determine, and, tho' summoned by me, did
 “ determine.

“ I have now opened to the Court the Defence,
 “ which I propose to make out in Evidence ; and I
 “ cannot conclude without observing to this Court
 “ the Singularity of my Case.

“ I stand before you a Commander in Chief, sent
 “ out upon an uncertain contingent Attempt, with a
 “ Power in my Instructions to judge upon the Cir-
 “ cumstances, as they shall appear.

“ His Majesty, besides the Latitude given me, af-
 “ signed me a Council of able and experienced Offi-

“ cers ;

“ cers; I acted by their Advice; and though I am
 “ charged with Disobedience of Orders, in every Ar-
 “ ticle of that supposed Disobedience, I have the
 “ Sanction of the unanimous Judgment of those
 “ whom the King appointed to assist mine.

“ I beg Pardon for having taken up so much Time.
 “ I have endeavoured to avoid Prolixity, but if I
 “ have erred in this respect, I hope the Situation I
 “ stand in will be my Apology: The Patience and
 “ Attention with which this Court has heard this
 “ Trial, and the known Honour and Integrity of e-
 “ very Member of it, leave me no Room to doubt,
 “ that they will remember throughout, that I am ac-
 “ cused of disobeying Orders, and that they will
 “ make a just Conclusion from the Premises that
 “ have been laid before them.”

The Rt. Hon. Major General HENRY SEYMOUR
 CONWAY being sworn as a Witness, at Sir *John*
Mordaunt's Desire, and questioned, Whether he re-
 collects any Conversation between Mr. Secretary *Pitt*
 and him, about Port *L'Orient* and the Instructions?

A. He does recollect a Conversation with Mr. *Pitt*,
 which he believes was had on the 6th of *August*, the
 same Day Sir *John Mordaunt* set out for the Isle of
Wight: Having heard that the Government had re-
 ceived some Intelligence relative to Port *L'Orient*,
 which shewed that Place not to be in such a Con-
 dition, as to admit of an Attack by the Force
 sent upon this Expedition, he, Major General *Conway*,
 had had some Discourse with Lord *Anson* on the Sub-
 ject, and told his Lordship, he thought it was Pity, if
 Port *L'Orient* was in the State described, that it should
 remain, as he understood it did, an Article in Sir *John*
Mordaunt's Instructions to attack it: His Lordship
 said, to the best of his Recollection, that he did not
 think Port *L'Orient* was seriously thought of at that
 Time, but, in regard to Sir *John Mordaunt's* Instruc-
 tions, referred him to Mr. *Pitt*. The Deponent
 thereupon took the Liberty of mentioning to Mr. *Pitt*,
 what he had heard of the State of Port *L'Orient*,
 who

who seemed to agree to it. He then observed, in like Manner as he had before done to Lord *Anson*, that it appeared to him, rather hard upon Sir *John Mordaunt*, that the Order for attacking Port *L'Orient* should remain in his Instructions, if it was not seriously thought of: Mr. *Pitt's* Answer, to the best of his Recollection, was, that Port *L'Orient* was named amongst other Things, but that he did not apprehend, it was meant to confine Sir *John*; that he had a Latitude to act in regard to that, as he should judge proper.

Q. Whether at the Cabinet-Council Mention was made of laying a Ship to *Fouras*?

A. Is pretty positive, it was; *Thierry* the French Pilot was examined in regard to it.

Q. Did he take Notice, whether [Fort *d'Aiguille*, (which is near to *Fouras*)] seemed to be a new Building or not?

A. The Work of it did appear very fresh to him.

Q. Did *Thierry* the Pilot ever make Mention of that Fort in his Examination before the Council?

A. He can't recollect he did.

Q. Was that Fort near the Place, where *Thierry* mentioned in the Council he thought there was a Probability of landing?

A. It was near the only Place he ever heard him mention, as a Landing-Place; it was near the Point of Land called the Point of *Fouras*.

Q. Does he remember coming to Sir *John Mordaunt* on board the *Ramilles*, and what Conversation passed?

A. He can't very particularly remember the Conversation that passed then; he had taken some View of that Coast himself, having been up at the Isle of *Aix*, and mentioned to Sir *John Mordaunt* his Ideas, how a Landing and Attack upon Fort *Fouras* and Fort *d'Aiguille* should be made; he wrote down a Plan for that Purpose, which he afterwards shewed, or read, to Sir *Edward Hawke* and Sir *John Mordaunt*.

Q. Was not the Proposal, that if Sir *Edward Hawke*

Hawke would send a Ship to attack *Fouras*, they would endeavour to land the Troops at the same Time?

A. It was to that Effect: That was Part of it, that they should land the Forces as near *Fouras* as possible, and assault Fort *d'Aiguille*: there were other Particulars, that a Diversion should be made at the same Time on the Side of *Rochele* and the Isle of *Ré*.

Q. Did not Sir *Edward Hawke* decline that Proposal?

A. He made several Objections to it.

Q. Does not he recollect, that the attacking Fort *Fouras* was mentioned more than once?

A. Several Times.

Q. Did Sir *John Mordaunt* several Times desire from Lord *Ligonier* positive Orders before his leaving London?

A. He is very sure he did hear Sir *John* say, he wished, or hoped, upon so important a Case as this, that he might have a positive Order.

Q. Does he recollect Lord *Ligonier's* Answer?

A. Thinks he said, that positive Orders were never given in Cases of this Kind, or to that Effect.

Q. Does he remember a Paper of Observations of Lord *Ligonier's* upon this Occasion?

A. Yes.

Q. Does he remember that Paper to have been read at the Council, when they were all present?

A. To the best of his Recollection, Lord *Ligonier* did produce that Paper at Lord *Holderneffe's*, where the Cabinet-Council was held, and read it.

Q. What Day they first made Sight of Land?

A. On the 20th they made the Isle of *Oleron* about One.

Being desired to give an Account of what passed on board the *Ramilies* the 28th, the Night on which they intended to land;

He said, that Orders were given for landing that Night; he remembers, that being on board the *Ramilies* with Sir *John Mordaunt*, waiting for the Time

to go to the Rendezvous, Captain *How* came on board, and said that he was sorry to tell them, there was a very strong Wind sprung up from the Shore, which would probably obstruct their Landing; Sir *John Mordaunt*, notwithstanding, resolved to go to the Rendezvous, which was on board the *America*: The Deponent accompanied him thither. As soon as they came on board, Adm. *Brodrick*, to the best of his Remembrance, was the Person who spoke; he can't be positive, whether the Admiral gave any Opinion of his own in regard to it, but he mentioned, that, the high Wind which was sprung up from the Shore, would make the Landing very tedious. Several of the Sea Captains represented, that the Wind was so strong, that the Boats which were towed up full of Men, could scarce make head against; that it would be Day-light before the first Embarkation of the Men could get on Shore; and that a second Embarkation would not be able to arrive there under six Hours more. He remembers, one of the Captains particularly shewed him one of the Long-boats, that was then towing up empty, which moved very slowly, and, as they said, could hardly proceed.

Q. Was it not his, Sir *John Mordaunt's* Intention, and were not his Orders given out accordingly, that the Landing should take Place just at the Break of Day?

A. No: He apprehended it was meant for a Night Landing, and the whole to be completed before Break of Day, if possible; and the Reason he apprehended to be, that the Ships of War could not lye up to assist the Landing, and that the Landing-place was so near the Town of *Rockelle*, that besides the Troops of the Country, the Garrison from that Place might have been ready to oppose the Landing of the Troops, if the Dispositions had been made for landing in the Day.

Q. At what Hour the Men were to be in the Boats?

A. He thinks about Eleven o'Clock.

Q. On the 24th, what was done after the Receipt of Admiral *Brodrick's* Report ?

A. It was proposed to go to the Isle of *Aix*, where they had a View of the Coast near *Fouras*, and where most of the *French* Prisoners were, in order to examine them.

Q. How did the Men of War and Transports lye at that Time ?

A. The Division under Admiral *Knowles*, which went up to attack *Aix*, laid up near the Isle of *Aix* ; Sir *Edward Hawke's* Division, and his Ship, the *Ramilies*, laid at the Distance of some Leagues ; three or four.

Q. Whether after being at the Isle of *Aix*, on the 24th in the Evening, they went on board the *Neptune* on purpose to examine more Prisoners ?

A. They did.

Q. How late it was before they parted ?

A. Thinks pretty late, cannot remember the Hour.

It being on the Stroke of Three, ADJOURN-
ED till To-morrow Morning Ten o'Clock.

Friday, 16th of December, 1757.

THE COURT being met pursuant to Adjournment, Major General *Conway* was farther examined ;

Q. Whether he does not think that all proper Methods were taken for getting early Intelligence, as soon as the Isle of *Aix* was taken ?

A. He believes they were ; the Deponent himself was sent upon Command to the Isle of *Aix*, so that he was not at that Time with the Commanders in Chief, Sir *Edward Hawke* and Sir *John Mordaunt* : The Deponent examined many Prisoners himself there, and reported to Sir *John Mordaunt*, when he waited upon him, what seemed most material in their Examination.

Q. If he remembers what any *French* Prisoners might say, in regard to there being a wet Ditch at *Rochefort* ?

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A. He

A. He remembers one did say positively the Ditch could be flowed all round.

Q. Whether he recollects what any *French* Prisoners told him in regard to Troops in that Neighbourhood?

A. They gave various Accounts of the Number of Troops; most of the Officers and Soldiers said, there were a great many; as also that there was a Marshal of *France* in the Place, meaning *Rochefort*, Marshal *Senetterre*; there was a Man who said he had seen eleven Battalions at *Rochelle*; the Prisoners in general made them a great many.

Q. Did any of the Prisoners mention their having been at Work at *Rochefort*?

A. There was one Man in particular, who, on the 24th, or 25th, in the Morning previous to the Council of War, said, they had been at Work there some Time.

Q. Can he recollect at any Time, when he was reconnoitring at the *Isle D'Aix*, whether he could distinguish from the Uniform, that there were *Swiss*, or other Troops, at *Fort Fouras*?

A. Either at *L'Isle D'Aix*, or on board Ship, he does recollect to have seen some upon the Coast near *Fouras* in red Cloathing, can't take upon him to say they were *Swiss*; he saw particularly an Officer, or two, riding upon the Coast; imagines, they came from some other Place or Command, out of Curiosity, down to the Shore. He saw a great many others in other Uniforms, particularly white and blue. The Numbers were different at different Times; some Hundreds certainly; at last, he saw as many as from 800 to 1000.

Q. Was not the Intelligence of the Pilots of the *Magnanime* and *Neptune*, and of Captain *Bonnaville*, and of all the Witnesses, who were afterwards examined at the Council of War on the 25th (except that of Lieutenant Colonel *Clerk*) known to them before they met at the Council of War?

A. He imagines, they were most of them known; most of them, he believes, were examined by Sir *John Mor-*

Mordaunt, on board the *Neptune*, the Evening before.

Q. Were not several of the Members of the Council of War present on board the *Neptune* at that Time?

A. Yes, several were.

Q. Whether they had Artillery proper to attack *Roche fort* in Form?

A. He apprehends not, by what he has heard of the Artillery of the Place; he speaks of the Train of Artillery they had with them on the Expedition, not of the Ships.

Q. Whether proper Artillery to attack *Roche fort* in Form; was not mentioned and desired by the Generals at the Cabinet Council?

A. It was, as he remembers.

Q. Whether a Council of War was held on the 25th?

A. Yes.

Q. (*by the Court*) How far it appeared to him from the Pilot's Examination at the Cabinet Council, that the Possibility of attacking *Fouras* by Sea could be depended on?

A. He thinks the Pilot's Answer was doubtful; that he believed a Ship could lye up within half a Mile.

Q. What Objections Sir *Edward Hawke* made to the Proposals for an Attack, mentioned in the former Part of his Evidence?

A. He can't be quite positive, whether at that Time Sir *Edward* said a Ship could not lye up to *Fouras*; some Time after, it was laid aside, as an impracticable Thing: He objected particularly to the Ships being sent down to make a Feint towards *Roche lle* and the Isle of *Rhé*, as imagining that Operation was not practicable, or not proper, he is not certain which. Sir *Edward* talked of bombarding *Roche lle*, as he remembers, but that was not the Sort of Diversion the Deponent proposed. The Report of the Rear Admiral and

Captains, which said there was no landing near *Fouras*, was not received at that Time.

Q. As he has only mentioned the Situation of Vice Admiral *Knowles's* and Sir *Edward Hawke's* Divisions, on the 24th in the Evening, how did Rear Admiral *Brodrick's* Division lay at that Time ?

A. The Deponent was in Vice Admiral *Knowles's* Division, and cannot say positively, but imagines Rear Admiral *Brodrick's* laid in the Rear, near Sir *Edward Hawke's* ; perhaps a League distant.

Q. Were the Examinations of the Prisoners reduced to Writing ?

A. Some of them were, but those Minutes he has not now with him.

Q. What Accounts were given by the Prisoners, of the Ditch at *Rocheport*, in general ?

A. He does not remember, whether any denied the *Practicability* of the Ditch being made wet ; they gave, in general, very confused Accounts of the Place.

Q. When it was that he saw the Troops mentioned in his Evidence, particularly the greatest Number, which he reposes to have been between 800 and 1000 ?

A. He saw Troops at all Times, some more, some less, but that greatest Number was seen at last, on the 29th.

Q. What Time he refers to, when he speaks, as having heard of the Artillery of the Place (meaning *Rocheport* ?)

A. Before the Expedition left *England* ; all the Accounts of the Place agree in it ; they have great Foundries of Cannon there, or in the Neighbourhood, which furnish Cannon to all the Ships that are fitted out there ; he imagines, they could mount almost any Number of Cannon on the Ramparts and open Embrazures, as they pleased, as the Rampart was solid round the Place. The Deponent says, he heard Lieutenant Colonel *Clerk* say, the Artillery there was very considerable.

Q If

Q. If a Council of War was deemed necessary, Could it have been convened on the 24th, after receiving the Report of the Rear Admiral and Captains?

A. He believes it was possible, but it would have been very late, because the Gentlemen who were to compose it, laid in the different Divisions of the Fleet, and might not have been found on board their Ships at that Time.

THE FOLLOWING MINUTES of two several Councils of War, the one held on board the *Neptune* on the 25th of *September*, and the other on board the *Ramilies* on the 28th of *September* 1757, which were mentioned by Mr. Secretary *Pitt*, to be delivered to him by Sir *John Mordaunt*, were now read at Sir *John Mordaunt's* Desire, (being first authenticated by Major-General *Conway*) viz.

‘ At a Council of War held on board his Majesty’s Ship *Neptune*, at Anchor off the Isle of *Aix*,
‘ *September* 25, 1757.

‘ Present,

‘ Sir *Edward Hawke*, { Knight of the *Bath*, Admiral
and Commander in Chief of
his Majesty’s Ships employed
on the present Expedition.

‘ Sir *John Mordaunt*, { Knight of the *Bath*, Lieute-
nant General of his Majesty’s
Forces, and General and Com-
mander in Chief of the Troops
on the present Expedition.

‘ *Charles Knowles*, Esq; Vice Admiral of the Red.

‘ The Rt. Hon. Major General *Henry Seymour Conway*.

‘ *Thomas Brodrick*, Esq; Rear Admiral of the White.

‘ Hon. Major General *Edward Cornwallis*.

‘ Captain *George Bridges Rodney*.

‘ Colonel *George Howard*.

' The Fortifications and Island of *Aix*, belonging
 ' to the *French* King, having surrendered to his Ma-
 ' jesty's Arms, the Council proceeded to take into
 ' Consideration the farther Steps proper to be taken,
 ' in Execution of his Majesty's secret Instructions to
 ' Sir *Edward Hawke* and Sir *John Mordaunt*, Com-
 ' manders in Chief of his Majesty's Forces on the
 ' present Expedition; and the first Object being to
 ' determine, Whether a proper Place could be found
 ' for landing the Troops, Sir *Edward Hawke* pro-
 ' duced a Report by Rear Admiral *Brodrick*, and the
 ' Captains *Douglas*, *Denis*, and *Buckle*, whom he
 ' had sent to sound and reconnoitre the Coast from
 ' *La Rochelle* to the Point of *Fouras*, near the Em-
 ' bouchure of the River *Charente*, which Report is
 ' hereunto annexed.

' The Council having taken the said Report into
 ' Consideration, and examined the Pilots, it appears,
 ' that there are but two landing Places; and that the
 ' Troops could not be reimbarcked from either of
 ' them in bad Weather, the Swell of the Sea making
 ' so great a Surf on the Shore that no Boats could
 ' be able to approach it to take the Troops off; the
 ' ablest Pilot having informed the Council, that he
 ' had been at Anchor seven Weeks in this Road, and
 ' not a Boat been able to pass or repass: And it like-
 ' wise appears to the Council, that in case the Troops
 ' should be overpowered by superior Numbers of the
 ' Enemy, they could have no Protection from the
 ' Cannon of the Fleet, the shoal Water preventing
 ' their coming within Gun-shot.

' The Probability of Success in the Attempt against
 ' *Rockefort*, in case the landing was effected, being
 ' then taken into Consideration, Lieutenant Colonel
 ' *Clerk*, Chief Engineer, was called in, and being
 ' asked his Opinion, declared, That when he saw
 ' the Place in the Year 1754, he thought no Place
 ' was more capable of being taken by Assault; what
 ' Alteration may have been made in the Place since,
 ' he has not sufficient Information to judge; that he
 ' does

‘ does not imagine any regular Attack was intended against that or any other Place, the small Quantity of Artillery we have not being sent upon that Plan. Being asked, If the Ditch were flow’d with Water, whether he should then think it practicable to take the Place by Escalade; said, he thought not; but that when he saw the Ditch, it did not appear to him capable of being flow’d.

‘ Monsieur de Bonneville, Volunteer, being asked what he knew of *Rockefort*, said, that he was there about nine Years ago; that the Ramparts were of Earth, and that there are Sluices there, by which they can flow the Ditch, and that it was full of Water all round, when he was there.

‘ The Pilot of the *Neptune* being called in, said, That he had been very frequently at *Rockefort*; that he commanded a small Vessel there many Years; that they have Sluices near the Hospital, by which they can fill the Ditch with Water; that they raise them sometimes to cleanse the Ditch, and that he has seen Water in it quite round the Town.

‘ The Informations of some *French* Prisoners were then produced confirming the same, as also that they had been working on the Fortifications there for some Time past.

‘ The Intelligence received from several neutral Vessels spoke with on the Passage was also produced, declaring, That the *French* had been for some Time in Expectation of a Descent from the *English* in those Parts; all which being taken into Consideration, together with the long Detention of the Troops in the Isle of *Wight*, and our meeting with contrary Winds, Fogs and Calms upon our Passage, the several Informations received of Troops assembled in the Neighbourhood, and the great Improbability of finding the Place unprovided, or of surprising it, or consequently succeeding in an Enterprize founded on the Plan of an Assault or Escalade merely; and the Uncertainty of a secure Re-

‘ treat for the Troops, if landed ; the Council are
 ‘ unanimously of Opinion, that such an Attempt is
 ‘ neither adviseable, nor practicable.

‘ *Edw^d. Hawke,*
 ‘ *J. Mordaunt,*
 ‘ *Cha^s. Knowles,*
 ‘ *H. Seymour Conway,*
 ‘ *Tho^s. Brodrick,*
 ‘ *Edw^d. Cornwallis,*
 ‘ *G. B. Rodney,*
 ‘ *G. Howard.*

‘ At a Council of War held on board his Majesty’s Ship *Ramilies* in *Basque* Road, this 28th of September 1757.

‘ Present,

‘ *Sir Edward Hawke,* { Knight of the *Bath*, Admiral
 and Commander in Chief of
 his Majesty’s Ships employed
 on the present Expedition.

‘ *Sir John Mordaunt,* { Knight of the *Bath*, Lieute-
 nant General of his Majesty’s
 Forces, and Commander in
 Chief of the Troops employed
 on the present Expedition.

‘ *Charles Knowles*, Esq; Vice Admiral of the Red.
 ‘ The Rt. Hon. Major General *Henry Seymour Conway*.
 ‘ *Thomas Brodrick*, Esq; Rear Admiral of the White.
 ‘ Hon. Major General *Edward Cornwallis*.
 ‘ Captain *George Bridges Rodney*.
 ‘ Colonel *George Howard*.

‘ The Council of War being assembled, at the De-
 ‘ sire of *Sir John Mordaunt*, proceeded to take un-
 ‘ der Consideration, Whether it is adviseable to land
 ‘ the Troops to attack the Forts leading to, and up-
 ‘ on the Mouth of the River *Charante*, and after
 ‘ mature Deliberation are unanimously of Opinion,
 ‘ That

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' That it is adviseable to land the Troops for that
' Purpose with all possible Dispatch.

' *Edw^d. Hawke,*
' *J. Mordaunt,*
' *Chas. Knowles,*
' *H. Seymour Conway,*
' *Tho^s. Brodrick,*
' *Edw^d. Cornwallis,*
' *Geo. Bridges Rodney,*
' *G. Howard.'*

A PAPER was then tendered by Sir *John Mordaunt* to the Court, as containing Observations of Sir *John* (now Lord) *Ligonier*, mentioned by Major General *Conway* to have been read at a Meeting of the Cabinet Council; and it being admitted by the Judge-Advocate, that the said Observations, or Hints, were written by Sir *John Ligonier*;—(but prior to his having any Knowledge of the Disposition of the *French* Troops afterwards produced at the Cabinet Council) —and that a Copy thereof had been given to Sir *John Mordaunt* at his own Desire; the said Paper was read as follows:

" THERE is a Chance in the best concerted Military
" Enterprizes, which every Man of long Service
" must have experienced; what Share then must be
" left to Fortune in an Expedition, where neither the
" Country, nor the Number of Troops, you are to
" act against, is known with any Precision.

" The Capacity of the Generals may supply this
" Want of Intelligence, but to give them any positive Plan or Rule of Action under such Circumstances, I apprehend would be absurd.

" If I am rightly informed, the great Point his
" Majesty has in View by this Expedition, and the
" alarming the Coasts of *France*, is the Hopes of
" making a powerful Diversion in Favour of H.R.H.
" the Duke, as well as the King of *Prussia*, who desires and presses much this very Measure.

" In

“ In the Execution of this General Plan, a Project of giving a mortal Blow to the naval Power of *France* is in his Majesty's Thoughts, by attacking and destroying, if possible, the Dock, Shipping, and naval Stores at *Rochefort*.

“ A Plan of that Place given by one of his Majesty's Engineers, who was there in 1754. seems to encourage the Attempt; and it must be owned, that without such Authority it could hardly be believed, that a Place of that great Importance could be left in so defenceless a Condition.

“ In all doubtful dangerous Military Attempts the Advantages, that may accrue from Success, ought to be weighed against the Damage and Misfortunes, that may be the Consequences of a Repulse, and that well considered may in Prudence determine the Choice.

“ If an Attempt is to be made upon *Rochefort*, it will be the Part of the Admiral to know the Coasts, to bring the Troops to the nearest Place, to cover their landing by the Disposition of his Ships, and to destroy any Barbet Batteries, which the Enemy may have upon the Shore, still remembering, that if the Troops are landed at too great a Distance from the Place, the Design will become dangerous, and probably impracticable.

“ Supposing the Troops landed, it must be left to the Consideration of the Generals, Whether they should not march with the proper Precautions, directly to *Rochefort*, to prevent any Succours being thrown into the Place, at the same Time, that the Marines should be employed in making a good Entrenchment for the Security of the Stores to be landed from Time to Time, as well as of a Retreat in Case of Necessity.

“ We are told, the Country in the Neighbourhood is low and marshy; that Circumstance might be of great Advantage in this Undertaking, because in that Case Troops cannot march by *Overtures dans*

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" *la Campagne*, but must follow the Dykes, or Caw-
 " feys, which may be easily defended by Coupures, or
 " Redoubts.

" A safe and well secured Communication between
 " the Camp and the Sea, from whence you are to re-
 " ceive your Supplies of all Kinds, is absolutely ne-
 " cessary, the whole depends upon it :---But this be-
 " ing done, I should not be much in Pain for the
 " Safety of the Troops, an inferior Number dares
 " not approach you, and one superior will not be
 " easily assembled without your knowing it ; and, at
 " all Events, you have secured a Retreat to the Ships.

" I would advise to procure Guides upon the Spot,
 " and paying them greatly when faithful ; there are
 " Numbers of Protestants in that Province, that wish
 " you well, and would be glad to go on Board with you.

" As for a *Coup de Main*, it may, perhaps, succeed
 " best at your coming up, as the Enemy may be in
 " great Hurry, Surprize, and Consternation at such
 " an unexpected Visit, and not have had Time to
 " make his Dispositions ; but if that is not thought
 " proper, it may succeed as well after the Place has
 " been thoroughly reconnoitred, and you have fixed
 " the Spots where you design to direct your greatest
 " Efforts, and if the Enemy see any Preparations
 " for a regular Attack, they will less suspect a *Coup*
 " *de Main*.

" *Bergen op-Zoom* was taken by a *Coup de Main*,
 " after a long Siege.

" *St. Philip's* was taken by scaling Ladders and
 " a *Coup de Main*, though the Garrison was 3000
 " strong, after a Siege of 56 Days.

" The Necessity of dividing a small Garrison in
 " a Place of such Circumference, as *Roche fort*, may fa-
 " cilitate the Success of a bold Attempt."

The Hon. Lt. Col. JAMES MURRAY being sworn,
 was asked, what he saw in the Isle of *Rbé* ?

A. The Morning of the 23d, the Day of the At-
 tack on the Isle of *Aix*, he went on Board the *Rami-*
lies,

lies, and from the Poop of that Ship with Col. *Hodgson*, and Col. *Wolfe*, took a View of the Isle of *Rhé*; they saw a Body of Men with two Colours, he thinks, equal to a Battalion of 600 or 700 Men, marching along Shore to Fort *Sabianceau*; they saw them lodge their Colours just by the Side of the Fort, and immediately fall to work upon the Fort on the Outside of it: They viewed this with Telescopes. They saw likewise Vessels passing from the Isle of *Rhé* to the Continent, or the Continent to the Isle of *Rhé*, is not certain which; the Vessels seemed to be about sixty or seventy Tons, as near as he could judge.

Q. Did he view the Coast towards *Fouras*, when the Transports laid at the Isle of *Aix*?

A. Yes, he did with a Telescope.

Q. What did he observe?

A. The Morning of the 25th from his Transport, which laid off the Isle of *Aix*, he took a View of the Coast of the Peninsula, upon which *Fouras* is situated, from the Point next to the Isle d' *Enet*, which is the northernmost Point of that Peninsula, as far South, as his Eye could reach; it appeared to him, that there was a very fair Bay for Landing very near that North Point; but that there was a Stone Battery there, or Redoubt, (does not know which it was) which defended that Bay; he distinguished seven or eight Embrazures with Guns; likewise Guns *en Barbette*, is not positive, as to the Number. Between this Battery, or Redoubt, and *Fouras*, there was an Encampment; the Deponent could count thirty Tents; the full View of the Camp was intercepted by a Wood; he saw about 4 or 500 Men at Work upon the said Battery, and in the Bay between that and *Fouras*, whom he imagined to belong to that Encampment. He also saw Men at Work upon *Fouras*; and upon a rising Ground above *Fouras*, he saw 11 or 12 Guns naked (no Parapet.) The Shore to the Southward of *Fouras* was rocky, and did not seem to afford any proper Place for a Debarkation: The Distance between the said

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stone Redoubt, or Battery, did not seem to exceed a Mile and a Half. Upon the Isle *Madame* he saw People at Work, also two Officers Tents upon a rising Ground, just above the Sea; he was at too great a Distance to give a distinct Account of the Isle *Madame*; this was all he could see there.

Q. Whether he was near enough to distinguish from the Walls, whether Fort *d'Aiguille* was built lately or not?

A. It was Masonry and appeared new; it was either new, or newly cleaned up.

Sir *John Mordaunt* observing, that Lieut. Colonel *Murray*, if he recollects right, was wounded at *Ostend*, during the Siege, and left at *Ghent*, desired he would inform the Court, whether there were not French Militia employed at the Siege of *Ostend*, and likewise in Garrison at *Ghent*; and, from what he saw of the French Militia, What is his Opinion of them?

Lieut. Col. *Murray* answered, he can't take upon him to say, there were any French Militia employed at the Siege of *Ostend*, as he was confined; but he heard there were three Battalions, as well as he can recollect. At *Ghent*, where Sir *John Mordaunt* left him behind, he saw several Regiments; the Regiment of *Normandy* was at the same Time in the Garrison there; these Militia in their Cloaths and Appearance were like the other Troops, but he had no Opportunity of knowing any Thing of their Quality. The Militia, if they were such, which opposed our Troops, when they made the Descent in *Britany*, were a despicable Rabble, and made no Resistance; they seemed to him to be the *Posse Comitatus*, and he believes them to be different from the Militia; they were neither regularly clothed, nor armed.

Q. (by the Court.) At what Time he reported, or communicated to Sir *John Mordaunt*, what he had seen from the *Ramilles* in the Isle of *Rbé*?

A. He don't recollect that he mentioned it to Sir *John Mordaunt* at all; Colonel *Hodgson*, and Colonel

nel *Wolfe* being both there, he took it for granted they would.

Q. At what Time he reported, or communicac'd to Sir *John Mordaunt*, what he saw from his Transport off the Isle of *Aix*, on the Morning of the 25th?

A. He made no regular Report; believes, he mentioned it one Day in the Admiral's Cabin, when every Body was giving an Account of what they had seen; but is not certain of that neither.

Capt. PATRICK TONYN, Aid de Camp to Sir *John Mordaunt*, being sworn, and desired to give an Account of what Conversation passed on board the *Ramilies* on the Evening of the 23d, about the attacking of Fort *Fouras*; depos'd, that in the Evening after the Isle of *Aix* was taken, he said to Sir *Edward Hawke*, that the next Step that appeared necessary to be taken, was, to attack *Fouras* by some of the Ships, to bombard *Rockelle*, or give any other Diversion, or Jealousy to the Enemy, and that the Troops, in that Case, might be landed at *Chatelaillon*, or any other Spot, that might be found out thereabouts. The Admiral said, a little Time, after what the Depo- nent has now repeated was spoke to him, that he would lay a Ship along-side of *Fouras*, bombard *Rockelle*, and the Troops might land; he recollects, that Col. *Wolfe* immediately took up the Conversation, and the Discourse continued between him and the Admiral.

Capt. THOMAS OSBERT MORDAUNT, Aid de Camp to Sir *John Mordaunt*, being sworn, and asked, Whether he was present at any Conversation with Sir *Edward Hawke*, on the Evening of the 23d?

Depos'd, that he remembers being present at a Discourse that Evening, but can't now take upon him to deliver what pass'd; but on the Morning of the 24th he received a Message from Sir *Edward Hawke*, desiring him to come down to him in the Cabin, where he found the Admiral, the Vice-Admiral, and the Pilot of the

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Magnanime : Sir *Edward Hawke* desired the Deponent, as he did not understand *French* himself, to ask the Pilot some Questions, and explain his Answers to them. — Among other Questions, he asked particularly about the Approach of Ships of War to Fort *Fouras* ; the Pilot said, he would undertake to carry the *Magnanime* within half a Mile, even within a Quarter of a Mile of the Fort, but then he must run her upon the soft Mud, from whence the next Tide would bring her off. Sir *Edward* asked the Pilot, if by lightning the *Barfleur* he could bring her as near ; he answered, he could, but had rather go with the *Magnanime* : The Admiral seemed satisfied with this Discourse, saying, that would do, or to that Effect.

Q. Does he recollect, whether the Pilot spoke of a *French* Mile, or an *English* Mile ?

A. The Deponent asked him particularly, What Miles he meant ; and the Pilot answered, “ Miles of *England*.”

Vice Admiral *CHARLES KNOWLES* being sworn, and desired to inform the Court, what *Tbierry* the Pilot told him of the Swell of the Sea in the Road of *Basque* ; said, he has declared that in the Council of War held on the 25th of *September*.

Q. Does he recollect, when he first mentioned it ?

A. He can't recollect ; it must have been before the Council of War, or else he could not have mentioned it there. The Passage he refers to in the Minutes of the Council of War is this——“ The ablest Pilot having informed the Council, that he had been at Anchor seven Weeks in this Road, and not a Boat been able to pass or repass.”

The

The following List of Ships sent out under the Command of Sir *Edward Hawke* on the Expedition being, by Desire of a Member of the Court, shewn to Vice-Admiral *Knowles*, he informed the Court, that all the Ships contained in the said List, except the *Southampton*, were in the *Basque Road*, which Ship, having taken a Frigate, the Admiral sent her into Port, viz.

Rate	Guns	Men	Ships	Commanders
1	100	870	Royal George ✓	Matthew Buckle
2	90	780	Ramilies ✓	James Hobbs
		770	Neptune ✓	James Galbraith
		750	Namur ✓	Peter Denis
	84	770	Royal William ✓	Witt. Taylor
	80	700	Barfleur ✓	Samuel Graves
3d	80	666	Princess Amelia ✓	Stephen Colby
	74	700	Magnanime ✓	Hon. Richard Howe
		700	Torbay ✓	Hon. Aug. Keppel
		600	Dublin ✓	Geo. B. Rodney
	70	520	Burford ✓	James Young
	64	500	Alcide ✓	James Douglas
4th	60	420	America ✓	Hon. John Byron
		420	Achilles ✓	Hon. S. Barrington
		420	Medway ✓	Charles Proby
		420	Dunkirk ✓	Robert Digby
5th	32	220	Southampton	J. Gilchrist
6th	28	200	Coventry	Carr Scrope
Frigate	18	120	Cormorant	Benjamin Clive
		120	Postillion	William Cooper
		120	Beaver	Edward Gascoigne
	16	80	Pelican	James O'Hara
	14	80	Escort	Charles Inglis
Bomb	8	60	Firedrake	Owen Edwards
		60	Infernal	James M'Kenzie
Fireship		45	Pluto	John Lindsey
		45	Proserpine	Francis Banks
Buffs	6	45	Canterbury	Thomas Lempriere
		45	Medway	Charles Lucas
Hosp. Ship	22	100	Thetis	John Moutray
Hunter Cutter				

Vice Admiral *Knowles* being asked (by the Court) how many Men, as he thinks, could have been landed in one Embarkation?

A. He

A. He was on another Service intirely distant from that of the Embarkation, and cannot answer that Question.

Q. What occasioned the Fleet not coming into the Road sooner than the 23d, seeing they made the Coast on the 20th?

A. He will give the best Account he can, without his Log-Book and Journal; but for want of them cannot be particular as to the Hours.—In the Morning of the 20th, Sir *Edward Hawke* gave him the following Order, *viz.*

‘ By Sir *Edward Hawke*, Knight of the *Bath*,
‘ Admiral of the *Blue* Squadron of his
‘ Majesty’s Fleet, &c.

‘ If in standing in between the Isles of *Rhé* and
‘ *Oleron*, I shall find the Winds and Weather will
‘ admit of proceeding to *Basque* Road, and attacking
‘ the Isle of *Aix*, I will hoist a red Flag on the Flag-
‘ staff at the Foretop gallantmast-head, and fire
‘ three Guns; then you are hereby required and di-
‘ rected, without Loss of Time, to stand in as near
‘ to the said Isle of *Aix*, as the Pilots will carry you,
‘ with all, or as many of the Ships of your Divi-
‘ sion, as you shall think sufficient for that Service,
‘ and batter it, till such Time, as the Garrison shall
‘ either surrender, or abandon it. In either Case
‘ you are to land a Number of Men sufficient to de-
‘ molish it with all possible Dispatch, sending me the
‘ earliest Intelligence of your Proceedings. For
‘ which this shall be your Order.

‘ Given under my Hand on Board his Majesty’s
‘ Ship *Ramilies* at Sea this 20th *Sept.* 1757.

E D. H A W K E.

‘ To *Charles Knowles*, Esq; Vice-
‘ Admiral of the *Red* Squadron
‘ of his Majesty’s Fleet.

‘ By Command of the Admiral, ‘ *J. Hay.*’

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A. He

The Signal being given, the Deponent about Noon, took his Leave of Sir *Edward Hawke*, and made Sail with his Division. The *Medway*, which was a-head by Sir *Edward's* Order, to look out for the Land, about two or three o'Clock, as near as he can remember, made a Signal for seeing the Land; very soon after, the Deponent saw it himself: As his own Ship and those of his Division were ordered to prepare for the Attack, the Lieutenant, or the Captain, came to acquaint him, the Ship, was clear and ready for Action; this was about Four o'Clock, the Wind at that Time, and to the best of his Remembrance the whole Day, was about N. E. As he looked upon a Ship cleared, and in Order for Battle, to be a very entertaining Sight, he desired Major General *Conway* to go down to see his Ship between Decks: While they were viewing her, one of his Lieutenants came down, sent by the Captain, to acquaint him, Capt. *Keppel* hailed the Ship, and told them, there was a *French* Man of War standing in for the Fleet; for some short Space of Time the Deponent took no Notice of it, thinking it impossible, the Fleet should not see her; a second Message was sent him down to the same Purpose, he then immediately went upon Deck with General *Conway*, and was shewn her by his Captain; when with their Glasses they plainly discovered her to be a two-deck'd Ship; she soon made a private Signal by hoisting a Jack at her Mizen-topmast-head; the Deponent was in Doubt, whether to make a Signal to any of his Division to chase, being ordered on a different Service, which he took Notice of to Major General *Conway*, and to his Captain; he judges, he was then at least five Miles a-head of Sir *Edward Hawke*, and the Enemy's Ship much nearer to him and his Division, than they were to Sir *Edward Hawke* and the rest of the Fleet; and he plainly saw, if some of his Division did not chase her, none of the others could possibly see her, so as to chase her, when Night came on. The *Magnanime* was then about two Miles to
Leward

Leward of them, on which he threw out her Signal to chace, and hailed Capt. *Keppel* in the *Torbay*, and directed him to chace also; observing, at the same Time, to Major General *Conway* and his Captain, that if Sir *Edward Hawke* did not approve of what he had done, he would certainly call them in again; but, instead of that, Sir *Edward* threw out their Signals to chace, by way of confirming what he had done; and in Addition, made the Royal *William's* Signal also, belonging to his Division; two more Signals for Ships in the rest of the Fleet were thrown out afterwards, and very soon recalled. Early the next Day in the Morning, Sir *Edward Hawke* sent the Deponent the following Order to take under his Command three other Ships in the Room of those three Ships that were detached to chace, viz.

‘ By Sir *Edward Hawke*, Knight of the
 ‘ Bath, Admiral of the Blue Squa-
 ‘ dron of his Majesty’s Fleet.

‘ You are hereby required and directed
 ‘ *Dublin*, ‘ to take under your Command the Ships
 ‘ *Burford*, ‘ named in the Margin; the Captains of
 ‘ *Achilles*. ‘ which have my Orders to follow your
 ‘ Directions; and proceed, without a Mo-
 ‘ ment’s Loss of Time, to put in Exe-
 ‘ cution the Orders you received from me
 ‘ Yesterday. For which this shall be your
 ‘ Order.

‘ To
 ‘ *Charles Knowles*, Esq; Vice-
 ‘ Admiral of the Red Squadron
 ‘ of his Majesty’s Fleet.

‘ Given under my
 ‘ Hand on Board his
 ‘ Majesty’s Ship *Ra-*
 ‘ *milles*, at Sea, this
 ‘ 21st Sept. 1757.

‘ By Command of the
 ‘ Admiral.

‘ ED. HAWKE.’

‘ J. HAY.’

In Obedience to that Order, the Deponent proceeded with his Division with all the Sail they could carry, to get in, and make, what Land it was; he judges it was about 9 o'Clock, when they were got within about two Miles of the Land, in 11 Fathoms Water, very hazy thick Weather, so as his Pilot desired, the Ship might be tacked and laid with the Head off till it cleared, so as he could see his Marks. Whilst he was laying to, he made a Signal for the Captains of his Division, and ordered them to send for their Pilots, no two of whom agreed, what Land it was; their several Examinations he took down, and immediately sent them to Sir *Edward Hawke*, who by that Time was advanced nearer to him by two or three Miles than he was before, as he the Deponent laid with his Head off Shore. In his Letter to Sir *Edward* he acquainted him, that not one of the Pilots would even take Charge to lead in with a twenty Gun Ship; if they would, his Division should have followed her. Soon after his Boat went away, he made a Signal for speaking with the Admiral, seeing he continued under Sail, and did not stop to take up his Boat. At the same time he made sail with his Division towards him, and by about 12 joined him; when the Deponent got on board him, he was surprized to see Mr. *Keppel* on Board, and also to find the *Magnanime* and *Royal William* had joined him again, which the thick weather had prevented the Deponent's knowing. Sir *Edward Hawke*, upon the Deponent's acquainting him with what had happened, (for he thinks he got on board, before his Letter) immediately sent for the Pilot of the *Magnanime*, at the same time telling the Deponent, he judged, what was the Matter when he saw him bring to, for his Pilot had refused carrying his Ship in: When the Pilot of the *Magnanime* came on board, he immediately told them, what Land it was; and after offering to carry the Fleet in, returned on board his own Ship, and led the Deponent's Division in, the Admiral and the rest of the Fleet following.

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The Wind was pretty fresh all this Day, till towards the Evening, when about 6 o'Clock the Tide of Flood being spent, the *Magnanime* made the Signal to anchor; they were then in the Mouth of the *Pertuis* of *Antioche*: About 8 o'Clock Sir *Edward Hawke* made the Signal for the Fleet to anchor, and they continued working in, and anchored, as they came into proper Births, all Night. —Early in the Morning of the 22d the *Magnanime* made the Signal, when the Deponent weighed with his Division, and Sir *Edward Hawke* and the rest of the Fleet weighed also: About 11 o'Clock it falling calm, the Signal was again made to anchor; about Two or Three a small Breeze springing up westerly, the *Magnanime* made the Signal and weighed again, and the Deponent ran in with his Division, till between 9 and 10 o'Clock at Night, Sir *Edward Hawke* and the Fleet of Transports all following, when the Deponent's Division came to an Anchor.

Q. When was the Demolition of the Isle of *Aix* finished?

A. About 7 o'Clock in the Evening of the Day before that, on which they sailed for *England*.

Q. Whether a Council of War, if thought necessary, could have been held on the Evening of the 24th, after receiving the Report of the Rear Admiral and Captains?

A. As to the Possibility of it, or not, he can't answer, the Council of War wanting the Testimony of several Evidences, of whom he cannot say, where they were, or when they could have been collected together; besides, Admiral *Brodrick* was just returned from sounding, and had been up all the Night before, and Colonel *Howard*, one of the Members of the Council, who was in the Fort at the Isle of *Aix*, must have been sent for, which would have taken up 3 or 4 Hours, it being 9 or 10 Miles distant.

Q. (*At Sir John Mordaunt's Desire.*) Whether that Evening was not employed on board his, the Vice-

Admiral's

Admiral's Ship, in getting proper Intelligence concerning *Rockefort*?

A. On the 24th in the Morning, the Day after the Attack of the Isle of *Aix*, the Deponent saw his Signal out on board *Sir Edward Hawke*; on which Major General *Conway* and he went away immediately; *Sir Edward Hawke*, on their coming on board, told the Deponent, Admiral *Brodrick* and three Captains were gone reconnoitring for a Landing-Place, and he wished for their speedy Return. As that Signal, which was out on board *Sir Edward*, was for the Rear-Admiral as well as the Deponent, being a Standard at the Ensign-Staff, and the Vessels, which Admiral *Brodrick* had with him, were not in Sight, he begged of *Sir Edward* to make the Signal for all Land and Sea General Officers, which is the Standard at the Mizen Top-mast Head, that being most discernible at a Distance, and to repeat firing a Gun every Hour, which he did: Before Four, Admiral *Brodrick* and the Captains returned, very much fatigued, and drew up their Report. After taking a Morfel of Dinner they all got into their Boats and went away to the Isle of *Aix* (excepting Admiral *Brodrick*) in order to collect what Intelligence they could from the Prisoners taken in the Fort; a Number of the Prisoners were sent on board the Deponent's Ship, and examined, one by one, by General *Conway*, he speaking *French*, till near 11 o' Clock at Night, when *Sir Edward Hawke* and *Sir John Mordaunt* went away; and the Admiral declared his Intention of holding a Council of War on board the Deponent's Ship the next Morning, which was accordingly done.

Q. Whether the Pilot of the *Neptune* was examined that Night?

A. He cannot remember.

Q. Does he recollect any thing relating to a Report, Captain *Proby* made to the Admiral, of his having spoke to a *Dutch* Master, in relation to the *French* having made great Preparations at *Rockelle* and *St. Martins*?

A. He

A. He conceives, that is contained in the Minutes of the Council of War of the 25th, among the Reasons assigned for the Opinion of that Council ; but in regard to what passed at that Council, he informed the Court, that he took very exact Minutes, which he has now with him, and he laid the same before the Court, in Words following; viz.

- ‘ Sir *Edward Hawke’s* Instructions read, dated 5th
- ‘ *August*, 1757, as far as is found practicable (*Quere*,
- ‘ Intelligence if to be considered, or believed be-
- ‘ fore Trial.)
- ‘ Sir *John Mordaunt’s* Instructions read — con-
- ‘ formable to the other — dated 3d *August*.
- ‘ Letter from Sir *John Mordaunt* to Mr. Secretary
- ‘ *Pitt*, dated 11 *August*, 10 o’Clock at Night, Isle
- ‘ *Wight*, — regarding contrary Winds preventing
- ‘ the sudden Execution of his Majesty’s Instruc-
- ‘ tions.
- ‘ Mr. Secretary *Pitt’s* Answer read, dated 13th
- ‘ *August*, — clear, as to Power of judging.
- ‘ Mr. Secretary *Pitt’s* Letter to Sir *Edward Hawke*,
- ‘ dated 15th *September*, — urging the Attempt for the
- ‘ Destruction of *Rochefort*, and clear as to Limita-
- ‘ tion of time.
- ‘ D^o to Sir *John Mordaunt* — D. D.
- ‘ Report — Admiral *Brodrick*.
- ‘ On Examination of Col. *Clerk*, all that could
- ‘ be gathered is, that the Army are to march up
- ‘ to see, if *Rochefort* can be escalated or not, but
- ‘ that all opening of Trenches for carrying on of a
- ‘ regular Siege were not in his Plan for attacking
- ‘ it.
- ‘ *Bonville* — a Ditch.
- ‘ Pilot *Neptune* — a Ditch and Sluices.
- ‘ Prisoners — Ditto — & *Contra*, and worked on For-
- ‘ tifications about a Fortnight.
- ‘ 12 Broke up, — unfinished.

It being Three o'Clock,
ADJOURNED till to Morrow at Ten in the
Morning.

SATURDAY 17th DECEMBER, 1757.

THE COURT being met, and Vice Admiral
Knowles not being yet come,

THE FOLLOWING Letters of the 18th and 19th
August last, from Captain *Archibald Cleveland* to *John*
Cleveland, Esq; Secretary to the Lords Commissioners
of the Admiralty, and proved by him to have been
received on the 19th of the same Month, were read
by Desire of Sir *John Mordaunt*, viz.

" *Gibraltar, Spithead, August 19th, 1757.*

" Sir,

" Be pleased to inform the Lords Commissioners
" of the Admiralty of the Inclosed ; I should have
" sent it Yesterday, but thro' Hurry I had mislaid it.

" I am,

" Sir,

" Your most Humble Servant,

" ARCH. CLEVELAND."

" *Gibraltar, Spithead, August 18th, 1757.*"

" SIR,

" On *Wednesday* the 17th of *August*, about 12
" o'Clock at Noon, I spoke with a *Dutch* Convoy
" from *Rochelle*, there was two Men of War, one
" of 60 Guns and one of 44 Guns, with 55 Sail
" of Merchantmen ; the first Lieutenant of the 60
" Gun Ship came on board me, and told me, that
" the *French* expected a Visit from us at *Rochelle*,
" but made no Preparation,

" I am

" Your most humble Servant,
ARCH. CLEVELAND."

" LIEUT.

LIEUT. WILLIAM ROY Engineer being sworn, was asked, if he had as many Workmen as he chose to have, how long Time it would take to throw up a Work of three hundred Yards, so as to make it defensible against any sudden Assault?

A. He believes it extremely difficult to determine any Thing of that Kind exactly, because it must depend on the Nature of the Soil where the Work is to be thrown up, and on the Number of Men, which can be employed on that Work, but he is nevertheless of opinion, that in any ordinary Soil, so small an Extent of Entrenchment as 60, 100, or 300 Yards might be thrown up, and in the Space of 2 or 3 Days made so strong, as to render it unassailable, till such Time, as it was battered and laid open by Cannon, and in the same Time he thinks even a covered Way, Glacis, and perhaps an advanced Ditch might be made.

Q. Had the Expedition Train of Artillery sufficient to oppose to the Cannon of a fortified Town?

A. He imagines not; believes, they had only 12 Pieces of battering Cannon; is not certain.

Q. Of what Calibre were the Cannon?

A. Twelve Pounders and Twenty-four Pounders, is not certain of the Number of each.

A RETURN from the Ordnance Office being inspected, it thereby appeared, that the Ordnance sent out on the Expedition is as follows, viz.

<i>Ordnance Heavy.</i>	<i>Proportion.</i>
Brass, mounted on travelling Carriages, computed with Limbers, &c.	24 Pounders 12 — — 6 4

Ordnance

Ordinance Lights:

Brams, mounted on travelling Carriages, with Limbers, Ammunition Boxes, and Elevating Screws,	{	6 Pounders	—	10
		3	—	6

Howitzers,	—	5 $\frac{1}{2}$ Inches	—	2
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Mortars on their Beds,	{	10 Inches	—	2
		8	—	2
		4 $\frac{1}{2}$ Cohorns	—	20

Lieut. *Roy* being asked, what Number of Artillery Horses there were ?

Answered, He does not know exactly the Number, never having seen the Return of them.

Sir *John Mordaunt* informed the Court, the Number of Artillery Horses were Forty.

THE HONOURABLE MAJOR-GENERAL EDWARD CORNWALLIS being sworn, and desired to inform the Court, what he knows in regard to the Opinion of the Sea Officers, as to the Difficulty of landing in the Night of the 28th, deposed, that he went on board the *America*, the Ship appointed for the Rendezvous, about Ten or Eleven o'Clock that Night, and was there some Time before Sir *John Mordaunt* came; there were several Captains of Men of War on board, and the Deponent found by them, that the landing, in their Opinion, would be dangerous, almost impracticable, and Madnefs in a Manner to attempt it. The Deponent had much Discourse with Captain *How* in particular, who expressed himself with a great deal of Warmth, and seemed very uneasy at the Undertaking; he said there would be at least six Hours in towing to get to the Shore against a Head-Sea, and likewise five or six Hours more before a second Embarkation

barkation could be made to support the first; that the Boats might be a considerable Time under the Enemies Batteries, if they had any, the Men stowed so in the Boats as not to be able to make use of their Arms, so as to make any Sort of Defence, and no Ships to protect them. Captain *How* said, though he was not upon that particular Duty, yet he thought it of such Consequence, that he could not help declaring his Opinion, and that he would mention it to the Commander in chief, when he came on board. This likewise seemed to be the general Opinion, particularly Captains *Denis*, and *Buckle*, shewed Dislike to the Attempt. After Sir *John Mordaunt* came on board the *America*, and heard the general Opinion, as to the Difficulty of landing, he talked with Major-General *Conway*, Colonel *Howard*, and the Deponent, on the Subject, and they all agreed, that the Attempt would be wrong as the Wind then was. Sir *John Mordaunt* thereupon ordered the Troops to reembark from the Boats on board the Transports, many of them having been some time embarked, and then returned on board the *Ramilies*. The Deponent staid at his Post, till it was Day-light, and until Sir *Edward Hawke* had ordered all the Boats to their different Ships again, and then went on board his own Ship the Princess *Amelia*.

Q. (By the Court) Upon the 25th, if it had then been thought adviseable to land, would the same Difficulties have occurred?

A. He does not particularly recollect; as to the Weather and the Head-Sea he thinks not; but as for the Distance of the Transports from the Place, at which it was intended to land, they were on the 25th as far, and, he rather thinks, farther off.

Q. At what Place the landing was intended to be made on the 28th?

A. In the Bay of *Chatelaillon*.

Q. How many Days Provision were the Troops to take on Shore with them?

A. He thinks, Four Days Provisions.

Q. At



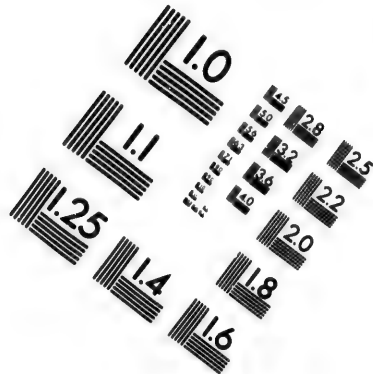
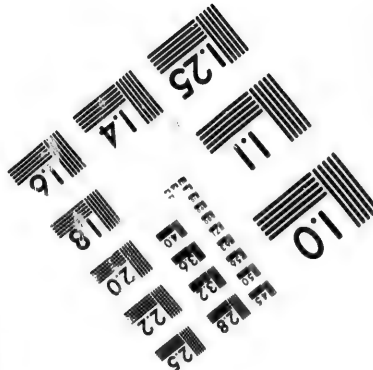
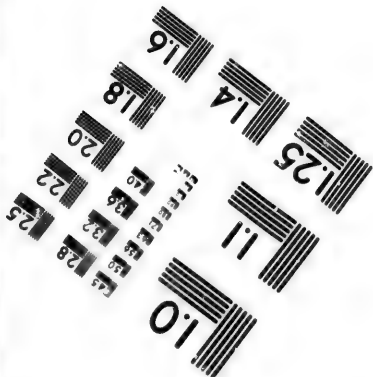
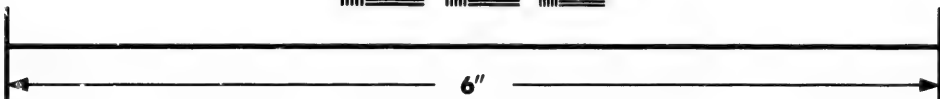
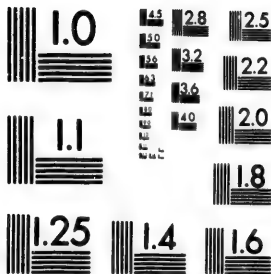
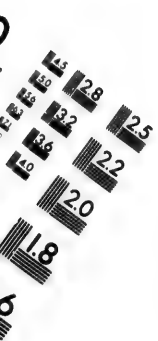


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Q. At what Time the Boats were ordered back again to the Transports and Men of War?

A. He can't easily say; thinks Sir *Edward Hawke's* Order for that Purpose was about an Hour and an half, or Two Hours, after the Return of Sir *John Mordaunt* on board the *Ramilies*.

Q. Whether the Purport of the Memorial of the Disposition of the Troops of *France*, which represents *ten thousand* Men only upon the Coast, from *St. Valery to Bourdeaux*, was communicated by Sir *John Mordaunt* to the Council of War of the 25th?

A. He can't recollect; he rather thinks not.

Q. How many Debarkations would it have taken to compleat the whole?

A. The Boats, as he understood, would have contained from 1500 to 1800 Men: and supposing all the Boats to have returned safe to the Ships, the same Number would have been landed in the second Embarkation, and by that Reckoning, it would have taken four or five Debarkations.

Q. After the Soldiers were disembarked, whether it would not have required another Embarkation at least for the Artillery, Stores, and Horses?

A. It would have taken, as he conceives, more than one Embarkation for the Artillery and Stores; and the Horses he doubted of their being able to land at all; he thinks they must have been landed in Long-boats, or swam on Shore, if it could have been effected at all.

Q. Would the Flux and Reflux of the Tide have caused any Alteration in the Matter?

A. He is not a competent Judge.

Q. Did he attend the Cabinet-Council, or any of the Meetings, before they went upon the Expedition?

A. He attended the first Cabinet-Council.

Q. From the Conversation he had there, did he not expect great Assistance from the Fleet?

A. Yes, he certainly did; but they appeared at that Meeting so totally ignorant of the Bay, of the Place

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Place of Landing, or of the Coast, that it finished with sending for the Pilot, (*Thierry*, as he believes; it was a Pilot then at *Spithead*.) The other two Councils he did not attend, being ordered to the Isle of *Wight*, to take the Command of the Troops there.

Q. Were any of the Admirals, or principal Sea-Officers present at that Meeting?

A. Sir *Edward Hawke* and Vice-Admiral *Knowles* were there.

Q. (By Desire of Sir *John Mordaunt*) Was Application made at that Meeting for additional Strength of Artillery?

A. He can't directly say, whether for more Artillery or not; some Demands were made; he thinks for more Troops.

LIEUTENANT COLONEL MURRAY, being again called in, was examined.

Q. On the 29th, when he was ordered by Sir *John Mordaunt* to reconnoitre the Coast, what Observations he reported to Sir *John*?

A. Colonel *Howard*, Lieutenant-Colonel *Wolfe*, Captain *How*, and the Deponent, went on board the *Viper* Sloop, which Sloop lay nearest the Shore in the Bay of *Chatelaillon*. They viewed the Coast from the Top of the Awning, (which is elevated above the Deck) and saw a Tent and six Guns naked upon the bluff Point of *Chatelaillon*. From that Point to the Point *Angolin* they computed it to be about three Miles and an half, or four; all which afforded a good Landing; but there was a Ridge of Sand Hills, that ran from Point to Point quite along the Bay, within about forty Yards of High Water Mark, to the best of his Judgment. These Sand-Hills seemed to be about 25 or 30 Feet, in general, perpendicular Height, and capable of concealing any Number of Troops from their Sight. They saw no Troops, Redoubts, or Batteries, (excepting the Battery he has mentioned) to oppose a Debarkation. The Captain
of

of the *Viper* Sloop told them, that upon the 26th he had seen a considerable Body of Troops, with several Pair of Colours, march along the Shore from *Rochele*, and that they encamped in the Bay that Afternoon behind the Sand Hills; which Sand Hills the Captain of the *Viper* called an Entrenchment; that the Men went to Work the same Afternoon upon these Sand Hills; and the next Day their Tents were more covered, intercepted by the Work they had thrown up, and at last they were intirely covered, so that he could not see them from his Awning. That, however, the 28th, (the Day before their coming on board) he had seen them from his Main-top; but that Captain *How* had been that Morning of the 29th to his Main-top, but saw neither Troops nor Encampment. Captain *Cooper*, Commander of the Ship that laid next to the *Viper* Sloop, told them he had seen the Troops from his Top-gallant-mast-head that same Morning, that being an higher Ship.—From the *Viper* Sloop they rowed into the Shore, as near as they thought it prudent; but saw nothing more from the Boats, than they had done from the Awning of the Ship. When they returned, they reported this to Sir *John Mordaunt*, and, as he remembers, also mentioned to him, that the Ground beyond the Sand-Hills was such, as Cavalry could act in.

Q. At what Time of the Day did they make this Report to Sir *John Mordaunt*?

A. About Five o'Clock in the Afternoon of the 29th

Q. (By Desire of Sir *John Mordaunt*), As he reconnoitred that Coast, what Number of Troops, under a good Officer, does he imagine sufficient to have defended the Bay of *Chatelaillon* against their landing, had it been attempted?

A. It is Matter of Opinion, and depends greatly on the Capacity of the Officer; he thinks, against two thousand Men, which he believes was the whole Number the Boats could have embarked at once, one Batallion of Infantry, and two Squadrons of Dra-

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goons, with six Field-pieces, might have rendered their landing ineffectual, had it been made on the 29th, when the Wind was as strong, as it was on the 28th. —In his Opinion, if the Wind was to the Westward, they could not have landed at all.

Q. (By the Court) How near it was necessary for the Boats to have gone to the six Pieces of Cannon mentioned in his Evidence ?

A. Had they gone down to the *Angolin*, they might have been intirely out of the Reach of the Guns, and had they gone directly under the bluff Point, they would not long have been annoyed by them.

Q. Did he ever hear, how far it was from *Rochelle* to the Place, where they were to land ?

A. From the Point of *Angolin* does not appear to be above three Miles from *Rochelle*, as far as he could judge from the Eye, and from the Map he has seen ; but to the Cod of the Bay, believes, about five Miles.

Q. Whether the Captain of the *Viper* mentioned the Number of the Troops he had seen ?

A. He thinks the Captain mentioned having seen six Colours ; he can't take upon him to say, whether he mentioned how many Troops.

MAJOR-GENERAL CORNWALLIS was further examined.

Q. Whether Sir *John Mordaunt* did summon all the Land-Officers of the Council of War to consider of a Letter of Sir *Edward Hawke*, proposing a Return to England ?

A. On the 29th of *September*, the Deponent received a Letter from Sir *John Mordaunt* in the Middle of the Day, desiring he would attend him that Afternoon on board the *Ramilies*. The Deponent went accordingly, and after having been there some Time, Sir *John Mordaunt* (he believes it was then about the Hour of Seven) sent in for him and Colonel *Howard*, Major-General *Conway* being already with him. Sir *John* told them, that he had received a Letter from Sir *Edward Hawke*, which he gave the Deponent to read,

read, and which he believes to be the same, as now produced in Court, viz.

Ramilies, Basque Road, Sept. 29, 1757.

" S I R,

" Should the General Officers of the Troops have
" no farther military Operations to propose, considerable enough to authorize my detaining the Squadron under my Command longer here, I beg Leave
" to acquaint you, that I intend to proceed with it
" for *England* without Loss of Time.

" I am, S I R,

" Your most Obedient,

" Most Humble Servant,

To Sir *John*
Mordaunt.

" E D. H A W K E."

And he asked the Deponent's Opinion, as also that of the others, what was proper to be done upon it; the Deponent told Sir *John*, he knew pretty well his Opinion; for that he had constantly been against landing, since the Council of War of the 25th, and that every Day and every Hour they staid, he should be more and more against it; that there was no Service of Consequence to be done, and therefore he was of Opinion to return.

Q. Did they not all unanimously concur in Opinion to return?

A. He thinks Major-General *Conway* did hesitate upon it; but did afterwards come into the general Opinion for returning.

Q. (By the Court) Whether Sir *Edward Hawke* was on board at the Time?

A. He was on board; but not present at the Council, or Meeting.

Q. Were not they, who were assembled, the four Officers appointed for the holding Councils of War at Land?

A. Yes, as he understood it.

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Q. Can he give any Reason, why the Admirals and the eldest Sea-Captain were not at that Council of War?

A. He cannot.

Q. Did Major-General Conway, when he hesitated, urge any Objections?

A. He thinks nothing new, or that tended to convince the Deponent at all; he did not propose any Operations, as he remembers.

Q. What was doing the 26th, and 27th?

A. A Proposal was made, as he believes, on the 26th, is not sure, by Major-General Conway about landing on the Isle of Oleron; Sir Edward Hawke made some Objection; the Deponent likewise was of a different Opinion, as thinking it tended to nothing of Consequence.

Q. (By Sir John Mordaunt's Desire) What was his, Sir John Mordaunt's, Opinion at that Consultation?

A. Sir John Mordaunt said, that, if it was the general Opinion, he should concur in it.

In regard to the 27th, the Deponent informed the Court, that he received a Message from Sir John Mordaunt that Day, to come down to the Isle of Aix; he accordingly went there in the Morning, where he met Sir John Mordaunt, with Sir Edward Hawke, Vice-Admiral Knowles, and Major-General Conway, (whether Colonel Howard was there, he can't say) they seemed to be employed in viewing Fort Fouras with Spying-Glasses and Telescopes, to see what they could make of that Fort; the Deponent could make nothing of it himself at so great a Distance, so as to form any Kind of Judgment about it. After having been there some Time, the Deponent asked Sir John Mordaunt if he had any Commands for him, and Sir John answering him, that he had not, he returned on board his own Ship.

Q. (By Sir John Mordaunt's Desire) Did he receive a Summons that Evening to attend a Council of War the next Day, to consider of an Attack of the Forts on the Mouth of the Charente?

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A. He

A. He did receive a Summons to attend a Council of War the next Day ; can't say now, what it contained.

Q. (By the Court) While they were at *Aix* on the 27th, was there any Consultation between the Generals and Admirals ?

A. They did at Times talk together, but the Deponent did not hear that Discourse ; there was no general Consultation.

VICE-ADMIRAL KNOWLES was again called in, and it being observed to Sir *John Mordaunt*, that the Minutes of the Council of War, which speak only in general Terms of "several Informations received of "Troops assembled in the Neighbourhood," would not be sufficient to establish any particular Intelligence, he might think material for his Defence ; Sir *John Mordaunt* desired, that his Question of Yesterday might again be proposed to Vice-Admiral Knowles, viz.

Q. Does he recollect any thing relating to a Report made to the Admiral by Captain *Proby*, of his having spoke to a *Dutch* Master, who informed him, that the *French* had made great Preparations at *Rochelle* and *St Martin's* ?

The Vice-Admiral answered, that he cannot particularly charge his Memory, who it was that was mentioned to have given the Report ; but that Sir *Edward Hawke* did deliver in several Papers of Intelligence, which he had gained during the Passage ; and amongst them mention was made of the Enemy's having Knowledge of their Approach ; and it was taken for granted at the Council of War of the 25th, that the *French* had Intelligence of their Designs ; and the Deponent is confirmed in their having a Knowledge of it at *Brest*, because he read several Letters taken in the *Emerald*, the *Southampton's* Prize, giving an Account thereof, and of what Preparations the *French* were making.

Being desired to explain his Answer, whether from the Intelligence he refers to, he understood, that the

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French had Knowledge of any particular Object of this Expedition, or whether they apprehended some Attempt upon their Coasts in general? and whether the Preparations were confined to *Brest*, from an Apprehension that the Armament might be intended against that Place, or whether they were general along the Coast?

He said, that he cannot be certain, as to the whole of the Intelligence; but from those particular Letters taken in the *Emerald*, he understood, that the *French* had Notice of a Design somewhere upon the Coast, and were making Preparations in general.

Some of the Witnesses having mentioned Vice-Admiral *Knowles* as being present, when a Discourse was had by Sir *Edward Hawke*, touching an Attack intended to be made upon Fort *Fouras* by Sea, he was desired to inform the Court, what he knows concerning that Intention, or the Practicability of such Attack:

Sir *John Mordaunt* desiring, that unless the Answer tended to make either for him, or against him, it might be waved, as it would prolong the Trial,—

Vice-Admiral *Knowles* took that Opportunity of declaring, that if he knew any thing against Sir *John*, he would declare it publicly, and not bring it out by Piece-meal; but that he does not: On the contrary, he does in his Conscience believe, Sir *John* has done every thing, that becomes an experienced General, to the best of his Judgment, for the Service of his King and Country, and would have done more, if it could have been done:—

The Vice-Admiral then deposed in Answer to the Question, that after the Surrender of the Isle of *Aix* Sir *Edward Hawke* told him, the Pilot of the Ship *Magnanime* had offered to carry her in, to batter Fort *Fouras*; he does not recollect, at what Distance; the Deponent objected against the *Magnanime*, as she drew at least a Foot more Water than the *Barfleur*, and proposed that Ship instead of her, as being of greater Force, as well as an old Ship, and her Loss therefore immaterial. Sir *Edward Hawke* directed the Depo-

nent to have the *Barfleur* lightened immediately for that Purpose. When he returned on board his own Ship he directly sent for Captain *Graves* of the *Barfleur*, and told him Sir *Edward's* Intention; the Captain reply'd, his Ship was on Ground, where she then laid, being, to the best of his Judgment, more than five Miles distant from the Fort. He has since heard, that Colonel *Brudenell* was on board of her at that Time. Upon this several Masters, together with Pilots, were directed to go sounding, particularly the Master of the *Barfleur*, and of his own Ship the *Neptune*. On his acquainting Sir *Edward Hawke* with the Impracticability of getting the *Barfleur* in, and the Masters having made their Reports of the Soundings, that Intention was laid aside, as impossible. Some Days after, he can't be positive, but believes after the first Council of War, Sir *Edward* directed the Deponent to carry in the two Bomb-Ketches, to try to bombard the Fort; the Deponent immediately gave their Captains Orders so to do, and directed the Pilot of the *Magnanime* to conduct the *Infernal* Bomb in, and the other to follow. In attempting to get in, the Pilot ran the *Infernal* aground, where she laid some considerable Time; two Row-Galleys, seeing her alone (for she had out sailed the other Bomb, and was at least two Miles from her) made to attack the *Infernal*, which the Deponent perceiving hastened on board, and gave a Signal for all the Boats, mann'd and armed, to go to her Assistance, and went himself in the *Coventry* Frigate; on which the Galleys retired, after firing a great many Shot at the Bomb-Ketch.—When the Ketch was on Ground she was a long Way without the Reach of her Shells, with the greatest Requisite of Powder (which he knows will fly two Miles and two thirds) having thrown several, which fell greatly short. The *Coventry*, in attempting to get to the Bomb, ran on shore five different Times.—After the Tide had flowed, and the Bomb-Ketch floated, she got under Sail again, and worked nearer to *Fouras*,

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as near as her Draught of Water would let her, and then threw several Shells more, none of which did reach.—He added, that he is confident, if it had been in the Power of Man to have got any Ship or Vessel in for that Purpose, Fort *Fouras* would have been attacked by Sea by Order of Sir *Edward Hawke*; and the Deponent, in Conformity to his Commands, would have effected it.—Likewise in regard to a Proposal, that has been mentioned of attacking *Fouras* by Land at the same Time it was attacked by Sea, as an Officer, he declares it to be impossible, because the Shot from the Ships, which missed, would have cut the Army behind it to Pieces.

The following Expression being observed in the Minutes taken by Vice-Admiral *Knowles* at the Council of War of the 25th, as by him laid before the Court Yesterday—"Pilot *Neptune*, a Ditch and "Sluices—Prisoners *D^o*. and *contra*," he was desired to inform the Court, whether any of the Prisoners examined at the Council of War denied the Circumstance of a wet Ditch, or of Sluices?—To this he answered, that some of the Prisoners asserted, that there was a wet Ditch all round, and some that there was not; but does not remember any said positively, *there were not Sluices*.

Q. As his Minutes shew him to have been very particular in regard to the Proceedings of the Council of War of the 25th, can he recollect, whether the Import of the Memorial, giving an Account of the Disposition of the *French* Troops, produced at a Cabinet Council in *London*, was communicated to that Council of War?

A. He cannot recollect.

Q. Whether *Thierry* was pitched upon for conducting in the Bomb-Ketch, as the best Pilot?

A. Yes.

Q. If *Thierry* the Pilot had been lost, had they any other Pilot, who knew that Part of the Coast?

A. None.

SIR JOHN MORDAUNT acquainted the Court, that he should not trouble them with the Examination of any more Witnesses, but delivered a Paper containing a few Observations, which he desired might be read.

COLONEL WOLFE being made acquainted with Lieutenant Colonel *Murray's* Evidence, in regard to Troops seen on the Isle of *Rbé* from the Poop of the *Ramilies* on the 23^d September, which Circumstance is not mentioned by Colonel *Wolfe*, who is said to have been in Company; as also in regard to Vessels being seen to pass from the Isle of *Rbé* to the Continent, or from the Continent to the Island,—— said, that he does recollect seeing some Troops through Glasses, and thinks likewise Colours; but did not attend to the Matter sufficiently to be so particular, as Lieutenant Colonel *Murray* has been.

THEN the Paper delivered by Sir *John Mordaunt* was read, agreeable to his Desire, in Words following;

My LORD,

‘ Before I put a final Conclusion to the Trouble
‘ I have given the Court, I hope you will excuse my
‘ detaining you a few Minutes longer; in order to
‘ make some Observations that have occurred, and
‘ which I have ordered to be put together, during
‘ the Course of my Proofs.

‘ By a Question asked one of my Witnesses by the
‘ Judge Advocate, it seems, as if he thought, I could
‘ have called a Council of War upon the 24th; but
‘ I dare say it will be remembered, that the Time of
‘ calling a Council of War was not prescribed by my
‘ Instructions, and therefore I can be guilty of no
‘ Act of Disobedience in calling it at that Time,
‘ which I thought most proper for obtaining the
‘ End proposed by it. It cannot have escaped the
‘ Court, that it is proved, that the Afternoon and
‘ Evening of the 24th were employed in endeavouring to gain Intelligence necessary for our
‘ Actions, or Deliberations. And the Court will also remember, that the Members of the Council of
‘ War

‘ War were on board several Ships at many Miles distant from each other, and Colonel *Howard* at the Isle of *Aix* ; but indeed Admiral *Knowles* has communicated to the Court the Difficulties, or rather the Impossibility, of assembling a Council that Night, if it had been wanted.

‘ I recollect, that Mr. *Pitt* mentioned a Circumstance, of which it may be expected I should take some Notice; which was, that the Paper produced by him, containing the Number and Employment of the *French* Forces, had been confirmed by subsequent Intelligence.

‘ Colonel *Clerk* too, it may be proper to observe, said, if I recollect it right, that several People, whom he had seen since his Return, had confirmed him in the Opinion he had first formed of the State of *Rochefort*.

‘ If Observations of this Kind had been proposed by the Judge Advocate to have been given in Evidence, I should have objected to it, as improper, Evidence. What Mr. *Pitt* alluded to, has not been explained, nor laid before the Court, and like Mr. *Clerk*’s Discourse confirming his Opinion, is all subsequent to the Transaction now under Examination: It is avowedly subsequent to our Return, and therefore could never operate upon my Conduct, nor influence the Judgment I was by his Majesty’s Instructions to form upon the Spot. It seems therefore preposterous, to make that Evidence of Disobedience of Orders, which must relate to such Opinion, as I was able to form before these Facts were known. My Judgment can only be tried by the Proofs, on which it was formed. If the Judgment was upright upon those, it can never be made otherwise by other Proofs, not then in my Power; besides, the Court will also consider the Absurdity of admitting such Evidence; for, if the present differs from that obtained upon the Spot, Intelligence still subsequent may hereafter be obtained to contradict the present.

Another necessary Observation seems to be, That the Resolution of the Council of War of the 25th was not, That it was impracticable to land, but that *such an Attempt*, that is, an Attempt to land in order to *attack Rochefort* according to the second Instruction, was neither advisable nor practicable.

I have heard, that several Persons have mentioned Escalades succeeding during a Siege, but I am sure this Court will remember, that, in all such Instances, Surprise has been essential to the Success.

Capt. *Cleveland's* Letter shews, that the *French* expected a Visit upon their Coast. Indeed at *Rochelle* they seemed to have had no Fears about it; they made no new Preparations upon that Account; they are known to have been sufficiently secure without them.

I think I scarce need remind the Court, that, as it was not the Intention at home, that *Rochefort* should be attacked any other Way than by Surprise or Escalade, so the Artillery, &c. were not designed for, or adapted to a regular Attack. The Horses did not, in Fact, exceed forty.

This Court will please to remember, that the 26th, 27th, 28th, and Part of the 29th, were employed in the Demolition of the Works of Fort *Aix*, according to the Instructions, to demolish all the Works we should make ourselves Masters of.

This Province was assigned to Admiral *Knowles*. How the Generals were employed, Major-General *Cornwallis* has just given an Account.

I have now finished the Evidence I proposed to lay before the Court. I hope I have answered every Part of the Charge made against me. It is a very heavy Charge—A criminal Disobedience of his Majesty's Orders.

It does not lie upon me to impeach the Propriety of the Equipment: It might be proper to be made, though it could not be successful.

‘ I did every Thing in my Power to execute faithfully the Instructions given me ; the Trust reposed in me.

‘ The Court perceives by the Instructions, that upon the Spot, with the Assistance appointed by the King for me, I was to judge of the Fitness of acting,—of the Practicability of making the Attempt, before I put the Flower of the *British* Troops to Hazard, or risked the Honour of the *British* Arms.

‘ The Subject was important ; I had therefore Recourse to those appointed by the King to assist me.

‘ We could not be ignorant, that our Judgment would be unpopular ; but it was our Duty to take Care that it should be honest and becoming Officers.

‘ Upon that Judgment I still rely ; it was formed in Pursuance of the Power given by the Instructions, and can never, I apprehend, be deemed a Disobedience of them.

‘ There have been many Instances of Officers tried (perhaps too for supposed Disobedience) when the genuine Complaint was, that they could not be successful. But I have this Satisfaction, that as my Defence rests upon the concurrent unanimous Opinion of all the principal Officers employed with me, so the Cause of Commanders in Chief tried in my Name, is to be determined by Officers, who have Ability to discern the Justice of my Case, and Sensibility to feel the Delicacy of it.

‘ With these Sentiments I submit myself to the Judgment of the Court.”

THE JUDGE ADVOCATE briefly submitted to the Court his Opinion, that subsequent Confirmations of Intelligence, as they could not have any Influence on the Resolutions, when taken, are not proper Evidence ; and, if any such have appeared, in the Course of the Proceedings, on either Side, they ought unquestionably to be laid out of the Case. With regard

gard to Lieutenant Colonel Clerk's Evidence, he does not recollect any Mention of Information obtained by him, since his Return to *England*, either in Confirmation, or Contradiction of his former Account of *Rockefort*.

But the Argument urged by Sir *John Mordaunt* in the Beginning of his Defence, against the admitting in Evidence that Intelligence, which was communicated to the Commanders of the Expedition at the Cabinet Council in *England*, he conceives to be without Foundation, as it is not produced as Evidence to prove any particular Act of Disobedience (the Evidence of the supposed Disobedience in this Case being the Notoriety of the Return to *England*, without having attempted a Descent) but is only introduced to shew the Practicability of the Enterprize; and it would be as unreasonable to set aside this Intelligence, when the Question turns upon the Practicability, as to deprive Sir *John Mordaunt* of the Use of any Intelligence received previous to their sailing from *Spithead*, or of the Argument raised from the unavoidable Detention of the Troops in the Isle of *Wight*; which Circumstances were equally known to the Government, and both previous to the Orders signified by Mr. Secretary *Pitt* in his Letters of the 5th and 15th of *September*.

As to the Use endeavoured to be made of Port *L'Orient* being permitted to remain in the Instructions, (though the Ministry seemed to have given up the Thoughts of an Attack upon that Place) in order to govern the Construction of the other Article of the Instructions, which relates to *Rockefort*, the Latitude or Power of judging being expressed by the Word *practicable* in both Articles,—The Judge Advocate observed, that there is a manifest distinction,—The Article relating to *Rockefort*, directing an Attempt with a View to that particular Object, *if found practicable*; in the other Case, Port *L'Orient* and *Bourdeaux* are recommended, as the most important Objects

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jects of his Majesty's Arms ; and it is Ordered, that an Attempt should be made, successively, on both, or either, of those Places, as should be *judged practicable*, or on *any other Place* that should be thought *most advisable*, from *Bordeaux* homeward to *Havre* : the Judgment of the Practicability being evidently intended to be made, upon the Spot, by the one Article, and not so, by the other.

As to the several Arguments, which go to the Impracticability of a Descent only, he submitted to the Consideration of the Court, whether they are not altogether defeated by the subsequent Resolution of the 28th of *September*, whereby the landing is determined not only to be practicable, but advisable, and to be made with all possible Dispatch ; especially as no material Intelligence had in the mean Time been gained, which shewed Fort *Fouras* to be more assailable on the Land-side, than they had before Reason to apprehend.

He also recommended an Attention to the Dates of the several Resolutions and Proceedings, as nothing but what was anterior to the Council of War of the 25th, and known at that Time to the Commanders, can be considered as having any Effect upon that Deliberation, and therefore on the one Hand, all Troops seen from the *Viper* Sloop,—the most considerable Number (being from 800 to 1000) seen by Major General *Conway*,—and all other Obstacles subsequent to the Date of the 25th, will be laid out of the Case ; as will on the other Hand the Confirmation of Lieutenant Colonel *Clerk's* Opinion, obtained from the *French* Engineer, on the 26th ; which Circumstance alone, supposing the Resolution taken on the 25th, of laying aside the Design upon *Roche fort*, to have been justifiable and right, can hardly be insisted upon as a sufficient Motive for reviving that Consideration.

ADJOURNED till *Monday*, the 19th Instant, at Ten o'Clock in the Forenoon.

MONDAY,

MONDAY, 19th of DECEMBER, 1757.

THE COURT met according to Adjournment.

Some Members hearing that Admiral Sir *Edward Hawke* is arrived in Town since the last Sitting of this Court, expressed a Desire, that he should be examined, as a Witness, upon this Tryal for their fuller Information; and Doubts thereupon arising, whether, the Evidence both on the Part of the Crown and of the Prisoner being ended, the said Sir *Edward Hawke* shall now be examined as a Witness?

The Matter was fully deliberated upon, and the Question being put, it was resolved in the Affirmative.

Ordered, That Admiral Sir *Edward Hawke* be desired to attend this Court To-morrow Morning at Ten o'Clock.

Ordered, That Lieutenant General Sir *John Mordaunt* have Notice of the above Resolution of the Court; and that he will be at Liberty to propose any Questions, he shall think proper; as likewise to produce any Witnesses, to obviate or explain any Evidence, which may arise from the Examination of Sir *Edward Hawke*.

The Court perused and considered the Minutes of their former Proceedings, until the Hour of Three,

And then ADJOURNED till To-morrow Morning, Ten o'Clock.

TUESDAY, 20th of DECEMBER, 1757.

THE COURT being met pursuant to Adjournment, ADMIRAL SIR EDWARD HAWKE was sworn, and questioned,

Whether at any, and what Time, a Proposal was made to him to lay a Ship to batter *Fouras*?

A. On the 24th of *September*.

Q. Whether he approved of that Proposal?

A. He did; the Pilot of the *Magnanime* was examined as to the Strength of the Place, and Depth of Water

Water near it : Elated with the Success of the 23d, and fond of the *Magnanime*, he said at first, before Captain *Mordaunt*, he would carry her in, and destroy the Fort. As the Deponent had attentively considered the Shore, and was sensible, that the *Magnanime*, which drew more Water than some of our three-decked Ships, could not be brought near enough to batter the Fort, he gave the Pilot's Gasconade Time to subside ; and then asked him, if he could carry a Sixty Gun Ship in against it : He answered, her Metal was not weighty enough, as there were Twenty-four Pounders in the Fort. He then proposed to him to lighten the *Barfleur* two Feet (this second Conversation was upon the Quarter Deck, by the Intervention of a Man well versed in such *French*, as those Kind of People speak) The Pilot seemed some time satisfied with this, and in Consequence the Deponent prepared an Order to Vice Admiral *Knowles*, to lighten the *Barfleur*, and in the mean Time gave him a verbal Order ; who immediately went away to give the necessary Directions, and to enquire into the Practicability of the Attempt. — The Pilot now recollected himself, and declared, that, even thus lightened, the *Barfleur* could not be brought near enough ; that when she could come nearest at the Top of High Water, on the Ebb, she must sink in the Mud six Feet or more, from which he could not answer whether she would rise. Upon Tryal afterwards, the Pilot could not carry a Bomb Ketch within Random Shot of the Fort, as Mr. *Knowles* informed him ; in whom, as being the second Sea Officer in Command, he apprehends, he might safely confide for that Information. — The Deponent declares, he should as readily have ordered an Attack upon *Fouras*, as he had done upon *Aix*, had it been practicable by Shipping ; though it was his Opinion then, and still is, that an Attack on either had no Connection with the principal Object in his Majesty's secret Instructions, unless the Guns from either of those Fortifications could have prevented the Boats from landing. --- (There they certainly could, but not in

in another Place.)--The principal Motive which induced him to give the Order for an Attack on the Isle of *Aix*, was, that at the Council at Lord *Holderneffe's*, it was thought necessary by several of the Council, who laid their Fingers on that Fort, imagining the Guns from thence could have annoyed the Boats in landing at the Place, which then seemed to them, from the Chart, the most reasonable. But *Chatelaillon* afterwards appearing, on the 24th of *September*, to be the proper Landing Place (from whence, according to his Information, there was a good Road to *Roche fort*) *Fouras* did not, at that Time, appear to him of so great Consequence, though he came readily into the Proposal. He added, that the Pilot, upon Examination at the Council, appeared to him to be very ignorant of the Place : And even at the Attack of the Fort of *Aix*, he observes, that the *Magnanime* sewed in the Mud, though *Thierry* was on board.

Q. Whether, before they went from *England*, any Landing-place for the Troops was proposed, and by whom ?

A. He does not remember, that a Landing-place was talked of, and that it was proposed to land the Troops either on one Side, or the other, of that small Neck of Land, which runs up near *Fouras* towards *Rochebelle* : *Thierry*, the Pilot, said, he supposed there might be a Landing-place there, or thereabouts ; said, as he thinks, if they could not land on one Side, they might land on the other ; and the Deponent believes, it was farther said, if they should not be able to land there, that possibly a Landing-place would be found upon sounding and reconnoitring the Coast, somewhere thereabouts. The Deponent just now recollects, another Place was talked of at the Council in *London*, which was from *Fouras* towards *Fort la Point*, where seemed to be a little sandy Bay, which was at first judged to be a Landing-place ; but little stress was laid upon that, for he believes, upon considering it, it was thought otherwise.

Q. Whether

Q. Whether the Place proposed by *Tbierry* the Pilot at the Council in *London* was reconnoitred, and Soundings made thereat, and whether it proved to be a Place proper for landing?

A. His Order, directed to Admiral *Brodrick* and the three Captains, was to reconnoitre the Coast from Point du Cbi, near *Rochelle*, down to Fort *Fouras*, which includes that Place; and their Report mentions no other Landing-place, than *Chatelaillon*.

Q. Whether they had any other Pilots on board the Fleet tolerably well acquainted with that Coast?

A. They had Pilots capable of carrying Ships into the *Basque* Road, provided the Weather was clear, and they could see their Marks upon the Isles of *Rbé* and *Oleron*, but had he not had those Pilots, he would have ventured to carry the Fleet into the *Basque* Road himself; the Chart of the *Neptune François*, which is well set down, would have afforded Assistance therein.

Q. Whether *Tbierry* was looked upon, as a skilful judicious Pilot, and thoroughly acquainted with the Coast near *Rochefort*?

A. *Tbierry* was looked upon to be a good Pilot for the Road, and for the anchoring of Ships both in the Road and about the Isle of *Aix*; but, from what Observations the Deponent made, seemed to have very little Knowledge of the Shore; believes, he never was upon every Part of it; and it appeared to the Deponent at the Council in *England*, that he was not acquainted with every Spot of Ground; thinks, the Pilot himself mentioned, only, having been on Shore somewhere near the Fort.

Q. As he attended several of the Councils before he went upon the Expedition, was it believed, that Troops could be landed in small Boats either at *Chatelaillon*, or near *Fouras*, under the Protection of the Ships?

A. He does now recollect the Pilot said, "If you can't land at those Places without being annoyed from the Fort, you will probably find a Landing-place about *Chatelaillon*;" but don't remember that

that the Pilot cleared up to the Council, that the Frigates could come near enough to the Shore to protect the Landing.

Q. When they came upon the Spot, did they find it possible to bring the Men of War near enough to the Shore to protect the Landing?

A. Certainly not.

Q. Mention having been made by Vice-Admiral Knowles of the Council of War of the 25th having broke up at 12 unfinished,—At what Time did that Council of War meet, and how long they sat?

A. He, with Sir John Mordaunt, went on the 25th early in the Morning on board the *Neptune*, and the Result of that Council was not actually finished that Night; they had chiefly come to a Resolution over Night, but the Result was wrote out fair, and signed on board the Deponent's Ship the next Morning.

Q. What Time, he imagines, it would have taken up to have made the whole Landing of the Troops?

A. That at the last Council of War, in which it was determined to land, he made a Proposal to the General Officers, in order to save Time, that, if they approved of it, he would immediately order all the Transports as close to the Shore, as they could possibly go, and the Frigates within them, at the Place where the Troops were to land, that they might get on Shore with the greater Expedition: This Proposal was seconded by Mr. Knowles, and by the rest of the Sea-Officers, but was objected to, principally by Major-General Conway, who urged, that to send the Transports in there in the Afternoon, would point out to the *French* the Place, at which they intended to land; he does not remember Sir John Mordaunt said any thing on the Subject, and thence concluded, he agreed in Opinion with Major-General Conway. The Deponent explained, that the Frigates were meant as a Protection to the Transports, to preserve them from being fired, or receiving any Injury. He remarks one other Thing, that although landing Troops in the Night

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Night is against his own Opinion, as Men are liable to Surprize, and many Accidents, where they do not know the Ground, yet he submitted that to the General Officers, as supposing them much better Judges of it than himself, and made no Objection thereto; but with a View that the greater Expedition should be made in landing the Troops that Night, he gave Orders to the Agent of the Transports on board his own Quarter-deck, and to one or two of his own Lieutenants, to go on board the Transports, with a positive Direction from him, that at the Instant the first Body of Troops was gone from the Ships, the Transports should get under Sail immediately, and run close into the Shore, where the Troops were to land, in order that the second Body of Troops might be landed with much greater Expedition than the first.

The foregoing Question, *viz.* "How long, he imagines, it would have taken up to have made the whole Landing of the Troops," being repeated with this Addition, "at any Time, supposing all Circumstances the most favourable"?

The Admiral said, he cannot answer that Question with any Sort of Certainty; they might have landed with great Expedition, had the Transports been as near, as they could get to the Shore.

Q. Would not the Flux and Reflux of the Tide have made an Alteration in the Time of Landing?

A. It certainly would; it would not have taken the same Time, had the Transports got under Sail, and ran close into Shore.

Q. Whether any of the Officers made a Report to him, that they had delivered his Orders on board the Transports, relative to their getting under Sail?

A. To the best of his Remembrance, they did; the Agent of the Transports particularly, as he remembers, told him, that he had; and he cannot doubt of their having been delivered, as he gave out those Orders in Person, (which is not usual for the Admiral) on Purpose to give them more Force, and that they might be the more fully understood.

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Q. As the Court has been informed of Fifty-one light Horse, and Forty Artillery Horses being on board the Fleet, and as the Transports could not come near the Shore, whether it was practicable to disembark the Horse?

A. The Transports would have come within a tolerable Distance of the Shore about High-Water, but he understood the Horses were to be put into the Long-boats, and towed on Shore; which he apprehends would have been effected without any great Difficulty; but he knows very little of disembarking Horses, never happening to have seen any disembarked.

Q. What was his Objection to attending a Council of War on the 29th of September?

A. He can only say, he never was pressed to it by Sir John Mordaunt; he never did deny a Council of War to Sir John with a View to distress him; but when he saw the Troops did not land the Night of the 28th, and Major General Conway, with Colonels Wolfe and Howard, having reconnoitred the Coast over again on the next Day, and no Application then made to him to land them, he was thereby induced to write the Letter, he did to Sir John; not in the least doubting, they had good and satisfactory Reasons for it, and supposing the General Officers to act with the same View as himself, that of doing their Duty to the best of their Judgment.

Q. (By Sir John Mordaunt's Desire.) Did not he, Sir John Mordaunt, the very Morning of the Day, on which they came to a Resolution not to land, speak to him about having a General Council of War, and did he not return for Answer, that there was no Occasion for the Sea Officers, as it was a Land Operation only?

A. Yes; he recollects, it was about Noon, (when he spoke to Sir John to the same Purpose, as he afterwards wrote in his Letter.) — And his Reason for it was this, that he always looked upon it to be his Duty, as Admiral, to convey the Troops to the Road of

of *Besque*, and there, if possible, to find out a Landing-place for them, and, in case of their landing, to give them all the Assistance in his Power for that Purpose; but with respect to the Question, "Whether they should land, or not land" (tho' he would have signed to any Proposal he thought right, and would have acquiesced in any justifiable Measure, yet) he constantly thought, it was the Part of the Generals to determine that Question by themselves, nor should he have given Sir *John* the Answer he did, but from its being his sincere Opinion;—he looked upon them to be good and gallant Officers, and Officers of Service, and therefore could not but suppose they were infinitely better Judges of their own business, than he could be. It was from the same Opinion of their Knowledge in their own Profession, that he assented to signing the Resolutions of the first Council of War, "That it was not practicable to take *Rocheport* by "Escalade," and he at that Time expressed a Desire, that the Land Officers should give their Opinion by themselves, as he thought it a Matter of Judgment, which merely related to them, and that the Sea had nothing to do with it, farther than telling them, they had found out a Landing-place, and were ready to land the Troops, if they thought proper, and to give them all the Assistance in their Power. — When the Deponent mentioned this, Major General *Conway* said, as he remembers, "Why really I am of Opinion, "as Sir *Edward Hawke* says, it is a Matter of Opinion of our own;" but in Confidence of the Abilities of the Generals, he nevertheless acquiesced in their Opinion, of the Impracticability of taking *Rocheport* by an Escalade or Storm; however, though he assented to the not landing upon that Footing, he did not give it, as his Opinion, that the Troops should not land at all, for any other Attempt, which the General Officers should find proper and expedient for the Service; on the contrary, he then urged the Necessity, there appeared to him, of doing something agreeable to the King's Instructions.

Sir

SIR JOHN MORDAUNT being asked, whether he had any Question to propose to the Admiral, or any other Matter to offer, answered, That he had nothing farther to trouble the Court with; — that he felt himself quite happy in having gone through a publick Trial; and before such Judges.

THE COURT having duly weighed and considered the whole Matter before them, is unanimously of Opinion, that the Prisoner Lieutenant General Sir John Mordaunt is NOT GUILTY of the Charge exhibited against him; and doth therefore ACQUIT him.

TYRAWLY.

A True Copy,

CHARLES GOULD,
Deputy Judge Advocate General.

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